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Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA

		X
		:
BRUNSON COMMUNICATIONS, INC.		:
		:
Plaintiff,		:
		:
		: Civil Action No.: 02 CV. 3223
v.		:
		:
ARBITRON, INC.		:
		:
Defendant.		:
		X

**AFFIDAVIT OF ALFRED R. FABRICANT PURSUANT
TO ORDER DATED OCTOBER 8, 2002**

State of New York)
) ss:
County of New York)

Alfred R. Fabricant, being duly sworn deposes and says:

1. I am a partner in the law firm of Ostrolenk Faber & Soffen LLP, attorneys for defendant, Arbitron, Inc. ("Arbitron") in this case. I submit this affidavit pursuant to paragraph 4 of this Court's Order dated October 8, 2002 and in further support of Arbitron's motion to dismiss the plaintiff's complaint. A copy of the Court's October 8, 2002 Order is annexed hereto as Exhibit 1.

2. Following the oral argument on Arbitron's motion to dismiss which was held on October 8, 2002, the parties in this case engaged in the limited discovery directed by this Court pursuant to its Order dated October 8, 2002.

3. Arbitron has produced to plaintiff's counsel all published reports and statements for the Philadelphia television market from February, 2002 to August, 2002. These documents include every published report containing PPM test data as well as documents reflecting Power Point presentation slides and other statements made by Arbitron for the Philadelphia television market during the subject time period, including specifically the presentation made by Arbitron Vice-President, Kevin Smith on May 20, 2002 alleged in the Complaint.

4. The published Arbitron PPM test data was produced to plaintiff's counsel in two formats: printed "AQH Ratings" PPM reports for each relevant test period in the written form released by Arbitron and a complete set of CD ROM disks which were distributed by Arbitron covering test data for the period beginning March 28, 2002 and, thereafter, containing "Arbitron's "Television Ranker" test data and reports. Annexed hereto as Exhibit 2 is a photocopy of each PPM test data CD ROM label which has been provided to plaintiff's counsel pursuant to this Court's Order. A complete set of the CD ROM disks is available to the Court at the Court's request.

5. Annexed hereto as Exhibit 3 is a representative portion of the "AQH Ratings" test report which was distributed by Arbitron on May 21, 2002 (the day after Mr. Smith's speech) covering the test period February 28, 2002 through March 27, 2002. This is the first PPM test data that was published for the Philadelphia market. Each "AQH Ratings" report published by Arbitron on May 21, 2002 reflecting this particular test period contained the express legend on the first page of the report stating as follows:

NOTE: WGTW (Ind), WUVP (Univision), WWSI (Telemundo) and Court TV are now encoded. However, these outlets were not encoded in time to be included in the March release of data. MSNBC was encoded in time to be included in the March release of data. But, MSNBC was not encoding for thirteen days of the survey period and is therefore not included in the March release of data.

Each of the "AQH Ratings" test reports covering the February 28, 2002 through March 27, 2002 test period also contained, on the first page of each report, the following warning:

WARNING:

All Arbitron audience estimates are confidential, proprietary to, and copyrighted by Arbitron, Inc. The audience estimates and accompanying data in this Report are intended for internal business and analysis purposes only. Any use of these estimates and data for the buying, planning and/or selling of media time is strictly prohibited.

The "AQH Ratings" test reports also indicate on their face by asterisk that "Share" information is provided "among encoded outlets only."

6. Annexed hereto as Exhibit 4 is a printout from CD ROM of a representative copy of the "Television Ranker" report from PPM test data that was released by Arbitron in CD ROM format. The report covers the period April 25th to May 22nd the "May 2002 survey period." The cover page on Exhibit 4 clearly sets forth the identity of the media outlets

“that were properly encoding their signals for greater than 90% of the days in the May, 2002 survey period.” Station WGTW is not on the list and, no ratings data for station WGTW is reported in the “Television Ranker” reports for the May, 2002 survey period. Also released for the May, 2002 survey period was Arbitron’s “AQH Ratings” data. This report was released in printed form only. A representative portion of the “AQH Ratings” report data for the May 2002 survey period is annexed hereto as Exhibit 5. The first page of each of the AQH Ratings reports for the May survey period states as follows:

WARNING:

All Arbitron Audience estimates are confidential, proprietary to, and copyrighted by Arbitron, Inc. The audience estimates and accompanying data in this Report are intended for internal business and analysis purposes only. Any use of these estimates and data for the buying, planning and/or selling of media time is strictly prohibited. The outlets listed above represent those outlets that are properly encoding their signal for greater than 90% of the days in the survey period.

An asterisk also indicates that “Share” information is provided “among encoded outlets only.”

7. Annexed hereto as Exhibit 6 is a printout from CD ROM of a representative “Television Ranker” test report covering the period March 28 to August 7, 2002 for the April-July, 2002 survey period. On the cover sheet of the subject reports is set forth a listing of the media outlets that are properly encoding their signals during the April-July, 2002 survey period. This listing expressly reflects that WGTW-TV (Ind.) was properly encoding during the April-July, 2002 survey period for less than 80% of the encoding days during the months of April, May, June and July of 2002. The listing also expressly states:

< 80%

This outlet or one and/or all of its components was properly encoding its signal for less than 80% of the days in the selected survey period and therefore did not meet reporting criteria. No estimates are provided.

Exhibit 6 at page 1. In addition, in the "Television Ranker" report (Exhibit 6 at pp. 3&4), WGTW is included in the report with the express indication that no estimates have been provided for WGTW due to the specific fact that the percentage of time properly encoded during the survey period was less than 80%. Also annexed as Exhibit 7 is a copy of the "AQH Ratings" test data report released by Arbitron covering the period July 11, 2002 through August 7, 2002. As reflected in the "Television Rankings" report (Exhibit 6) for that survey period, WGTW data was not included due to the fact that the station was properly encoding for less than 80% of the days in the survey period.

8. The reports referred to above (Exhibits 2 through 7) make up the world of Test Data and Reports which has been released by Arbitron to the industry and to the market place in Philadelphia between the period February, 2002 through August, 2002. During the period August 8, 2002 through September 4, 2002, WGTW was encoding 100% of the days during that encoding period. Annexed hereto as Exhibit 8 is a "Television Ranker" report printout from CD ROM showing that WGTW data has been included beginning with August, 2002. Accordingly, ratings estimates for WGTW have been included in the test data reports which will issue for the Fall of 2002.

9. On November 8, 2002, Arbitron advised the television and radio stations which are encoded in the Philadelphia market as well as others in the Philadelphia television market industry that "after the conclusion of the Fall 2002 radio survey and the November, 2002 television survey,

Arbitron will no longer use the current Philadelphia panel to produce regular releases of 'currency-type' radio and television audience ratings which can be compared to existing audience measures. (Note that the release of PPM ratings from the fourth quarter of 2002 will take place in the first quarter of 2003)." A copy of the news release from Arbitron to the television and radio stations including WGTW is annexed hereto as Exhibit 9. Stated simply, after the November, 2002 survey period is over Arbitron will no longer provide the television ratings data which has been the subject of the Philadelphia test and this litigation since February of 2002. To the extent Arbitron continues to provide other tests and research in the Philadelphia area using the PPM device, WGTW will be included in such test reports to the extent that they remain properly encoded.

10. On May 20, 2002, the day before the release of the first PPM test data gathered during the survey period February 28, 2002 through March 27, 2002, Arbitron Vice President Kevin Smith gave a presentation at a meeting of the Pennsylvania Association of Broadcasters. Pursuant to this Court's limited discovery Order, Arbitron has produced to plaintiff's counsel the Power Point presentation slides of Mr. Smith's May 20, 2002 speech and, in addition, on November 8, 2002, plaintiff's counsel took the deposition of Mr. Smith in Philadelphia.

11. Annexed hereto as Exhibit 10 is a complete copy of Mr. Smith's Power Point presentation slides which he presented at the meeting on May 20, 2002. Plaintiff alleges in paragraph 32 of the Amended Complaint that Mr. Smith, at the May 20, 2002 meeting represented that "the survey was fair, accurate and complete." However, neither the Power Point presentation nor Mr. Smith's deposition testimony support or confirm plaintiff's allegations in whole or in part. Nowhere in the Power Point presentation (Exhibit 10) does Mr. Smith state or suggest that the PPM test survey "was fair, accurate and complete" as alleged by plaintiff.

12. At his deposition conducted by plaintiff's counsel on November 8, 2002, Mr. Smith testified that his Power Point presentation (Exhibit 10) was "the focal point of my presentation." "I used the presentation really as the primary focus and communication about the Portable People Meter; so, my comments were primarily reads or highlights of screens." *See* deposition testimony of Kevin Smith, the pertinent portions which are annexed hereto as Exhibit 11 at pages 20-21.

13. Mr. Smith was specifically asked at his deposition whether he stated at the May 20, 2002 meeting that the test data was "accurate" and "complete." In response to those questions, he gave the following answers:

Q. What did you say, if anything, about the accuracy or representativeness of the data? Let's start with the accuracy first.

A. Because it is a panel and because of the fact that it was a sample of the population, I didn't make any comments on accuracy.

* * *

Q. Did you say anything about the representativeness or the quality of the data?

A. My only comment was that the panel was built to be representative of the population. As far as comments on the data, there was no data available; so, no comments on the particular data.

Q. Did you say anything in form or substance to suggest that the data was good quality data that would be issued in regard to that survey?

A. No; my comment was not related to the quality of the data because this was a test and still is. My comment wasn't about the quality. My comment was that Arbitron was coming into the marketplace and the information we were about to release was our first release and we would continue to release information and review it and analyze it until we determined to stop the Philadelphia point.

Q. Did you state that the data was reliable and accurate and with integrity?

A. I did not state that the data was accurate.

* * *

Q. In connection with your association with the Arbitron Company, does Arbitron, to your knowledge, ever affirmatively represent to the marketplace, whether it is radio or television, that their data is accurate?

A. No.

Smith Deposition at pages 28-30, 81 (Exh.11).

15. In addition, on the subject of "completeness" or the number of stations encoded for the Philadelphia test, Mr. Smith testified that at the May 20, 2002 meeting:

I did comment that this presentation was an overview of PPM, there would be data being released and we would be adding stations throughout the test; so my comment was that Arbitron's goal was to add stations over time to be able to provide more thorough information or more information on stations that have actual viewership or listenership in the marketplace.

Smith Deposition at page 37 (Exh. 11).

16. The Smith Power Point presentation (Exh. 11) at page 12 affirmatively states that with respect to the PPM test **conducted in Wilmington, Delaware** during the year 2001, all eight local TV stations were encoded and twenty-two out of twenty-five cable television stations were encoded. However, no such statement was made by Mr. Smith or in the Power Point presentation with respect to the Philadelphia market test. Nor would Mr. Smith reasonably have made such a statement at the May 20, 2002 meeting in light of the fact that the first release of PPM test data was being made the very next day to the industry and the first release of data expressly stated that a number of television stations including WGTW, WUVP, WWSI, Court TV and MSNBC were not included in the PPM test data (See Exhibit 3).

17. Mr. Smith was also asked questions during his deposition about his knowledge of Nielsen's role in the PPM project. On that subject Mr. Smith was asked the following questions and gave the following answers:

Q. What is the nature of Nielsen's participation at the present time?

A. Nielsen's participation is a financial investment and providing information from the Philadelphia market on their ratings data since they are the provider of ratings data to the television stations.

* * *

Q. . . . To your knowledge did Nielsen have any role in the actual technological development of the PPM?

A. No.

Q. Did Nielsen play any role in selecting whose stations should be encoded?

A. No, sir.

Q. Did Nielsen play any role in actually physically helping to get those stations encoded?

A. No, sir, not at all.

Q. Did Nielsen and does Nielsen play any roles in the decoding of the data?

A. No, sir.

Q. Does Nielsen play any role in the compilation of the data?

A. No, sir.

Q. Does Nielsen play any role in the processing of the PPM data?

A. No, sir.

Q. Does Nielsen play any role in making presentations to the marketplace about the attributes or deficiencies of the PPM system?

A. No, sir.

* * *

Q. With respect to research, I believe Mr. Sugarman asked you about whatever Nielsen's research activities were. On the research side, does Nielsen, to your knowledge, do anything other than provide their own Nielsen data as a basis for comparison.

THE WITNESS: That's what Nielsen provides. To my knowledge, that's what we use.

Smith Deposition at pages 48-49, 77-79 (Exh. 11).

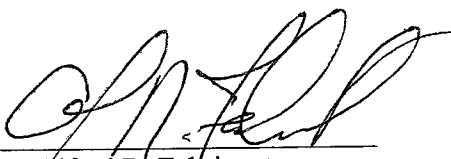
18. Of significance, Mr. Smith also testified at his deposition that no one has ever reported to him or complained to him that anyone in the marketplace was, in fact, commercially using the PPM test data to buy or sell advertising time. Smith deposition at page 76 (Exh. 11).

19. Mr. Smith also testified at his deposition that to his knowledge, no one in the industry, including other television broadcasters, has ever requested that Arbitron not include WGTW in the Arbitron PPM test program, install an encoder at WGTW's location or record and report data with respect to viewership information about WGTW. Smith Deposition at pages 79-81 (Exh. 11).


20. In consultation with plaintiff's counsel, Mr. Sugarman, Mr. Sugarman has advised that notwithstanding the text of the Power Point presentation (Exh. 10) as well as the testimony of Mr. Smith at his deposition, plaintiff nonetheless continues to assert that Mr. Smith made affirmative statements at the May 20, 2002 meeting that the Arbitron PPM test data was "accurate and complete." Therefore, the parties cannot agree as to the substance of Mr. Smith's presentation.

21. However, even if plaintiff can create a factual dispute, with evidentiary support, as to what was said by Mr. Smith at the May 20 meeting, it is undisputed that on the next day, May 21, 2002, Arbitron released its first PPM data which expressly advised the industry that WGTW and other broadcast and cable television stations were not included in the survey data and were not reflected in the "Share" information provided with the "AQH Ratings" report. (See Exh.3). Therefore, it is hard to imagine how plaintiff can create a genuine issue of material fact as to material misrepresentations made at the May 20, 2002 meeting in light of the published data released the next day and, thereafter, by Arbitron. No reasonable broadcaster or other industry or market participant receiving the PPM test report on May 21, 2002 would have incorrectly assumed that WGTW had, in fact, been included in the PPM test survey but had no viewership whatsoever during the survey period. The PPM test data reports were released to people in the industry who were extremely knowledgeable about television ratings reports as well as the identity of broadcast television stations in the Philadelphia market. In any event, it is undisputed that WGTW's viewership information was reported by Nielsen for the same market during the same period.

Date: November 19, 2002


 Alfred R. Fabricant

Sworn to and submitted before me this
 19th Day of November, 2002


 Notary Public
 MARY G. FONTENOT
 Notary Public, State of New York
 No. 31-5046328
 Qualified in New York County
 Commission Expires September 3, 2003

CERTIFICATE OF SERVICE

DAVID B. PICKER hereby certifies that a true copy of the foregoing Defendant Arbitron, Inc.'s **Affidavit of Alfred Fabricant Pursuant to October 8, 2002 Order**, was served by messenger delivery this 20th day of **November**, 2002, upon Plaintiff's counsel, as follows:

Robert J. Sugarman, Esq.
Sugarman & Associates
11th Floor, Robert Morris Building
100 North 17th Street
Philadelphia, PA 19103

November 20, 2002



David B. Picker

EXHIBIT “1”

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BRUNSON COMMUNICATIONS, INC. : CIVIL ACTION

v. :

ARBITRON, INC. :

NO. 02-3223

FILED OCT - 8 2002

ORDER

AND NOW, this 8th day of October, 2002, after argument on Defendant's motion to dismiss the Amended Complaint, it is hereby ORDERED that:

1. Defendant shall promptly produce to Plaintiff all documents consisting of its published reports or statements for the Philadelphia television market from February 2002 to August 2002.
2. Plaintiff may conduct discovery limited in scope to the above reports, and also the statements or representations made by Arbitron representatives at the May 20, 2002 meeting of the Pennsylvania Association of Broadcasters, as alleged in paragraph 32 of the Amended Complaint.
3. Plaintiff shall have 30 days from the date of this Order in which to conduct the above discovery.
4. The parties shall file, by November 20, 2002, a stipulation to the extent possible, or affidavits and attachments, as to the results of this limited discovery.

BY THE COURT:



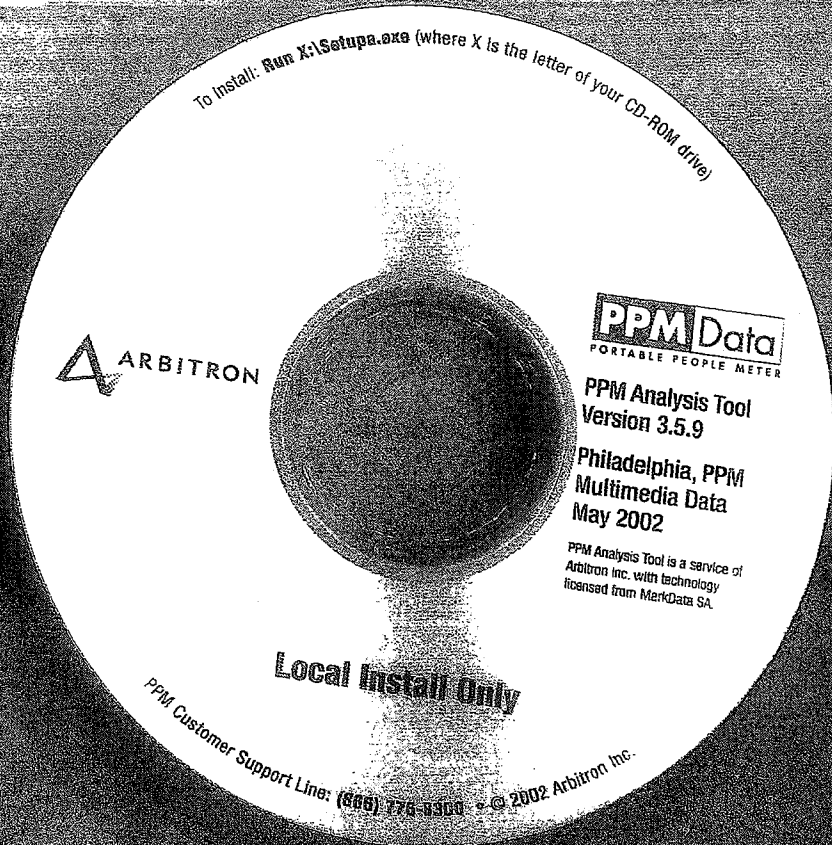
MICHAEL M. BAYLSON, U.S.D.J.

cc Robert Sugarman (fax)

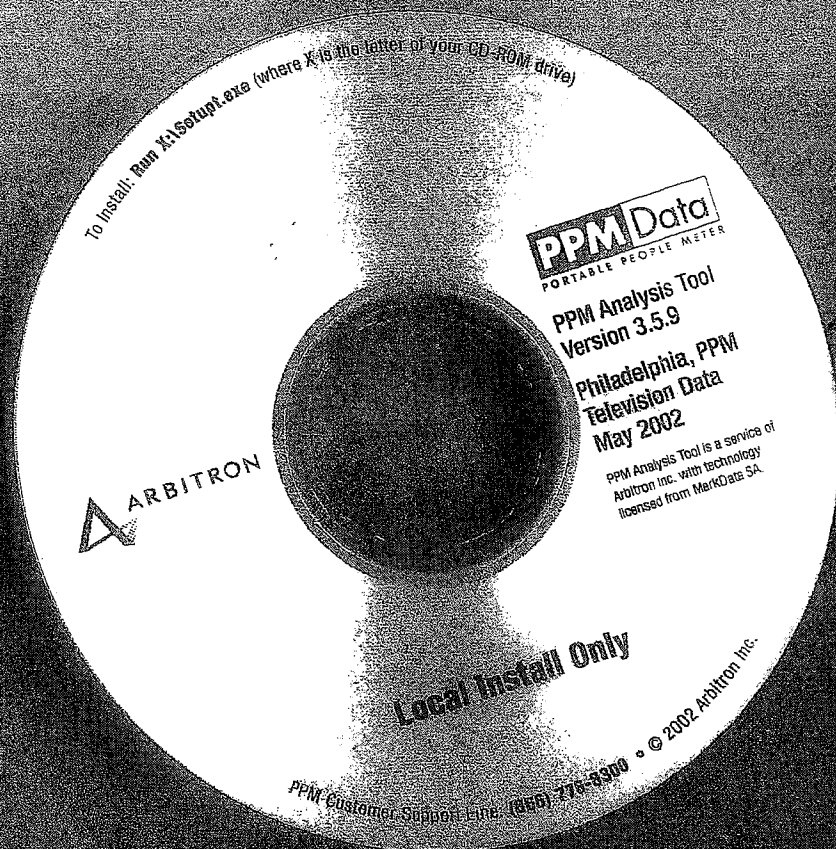
2:02-cv-03223-MMB

ALFRED FABRICANT
OSTROLENK FABER GERB & SOFFEN LLP
1180 AVENUE OF THE AMERICAS
NEW YORK NY 10036

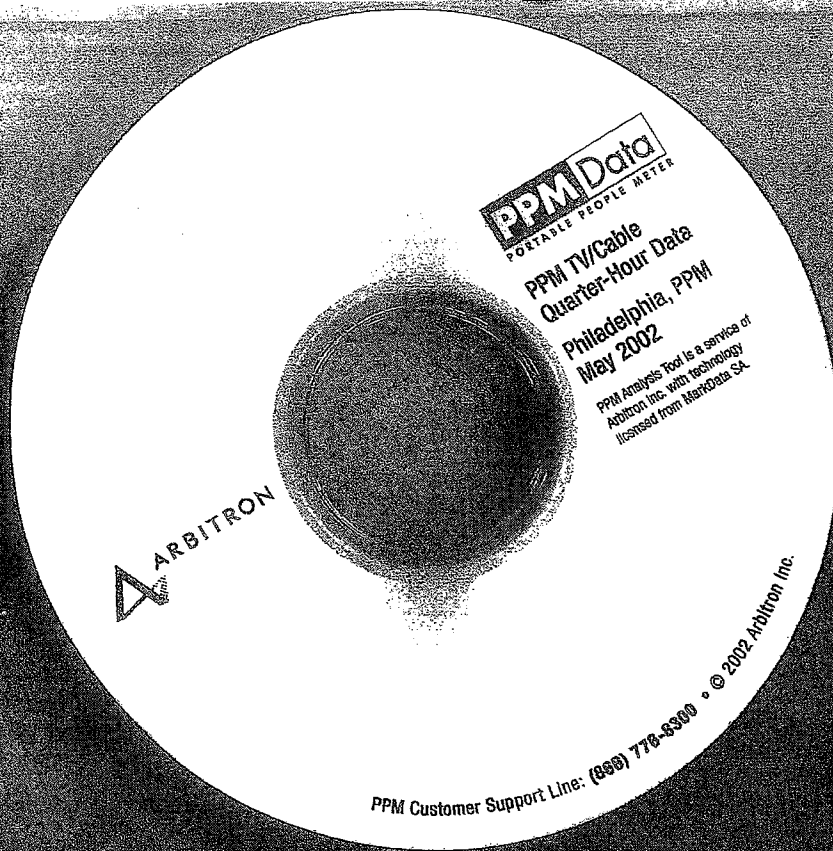
EXHIBIT “2”



ARB 01079



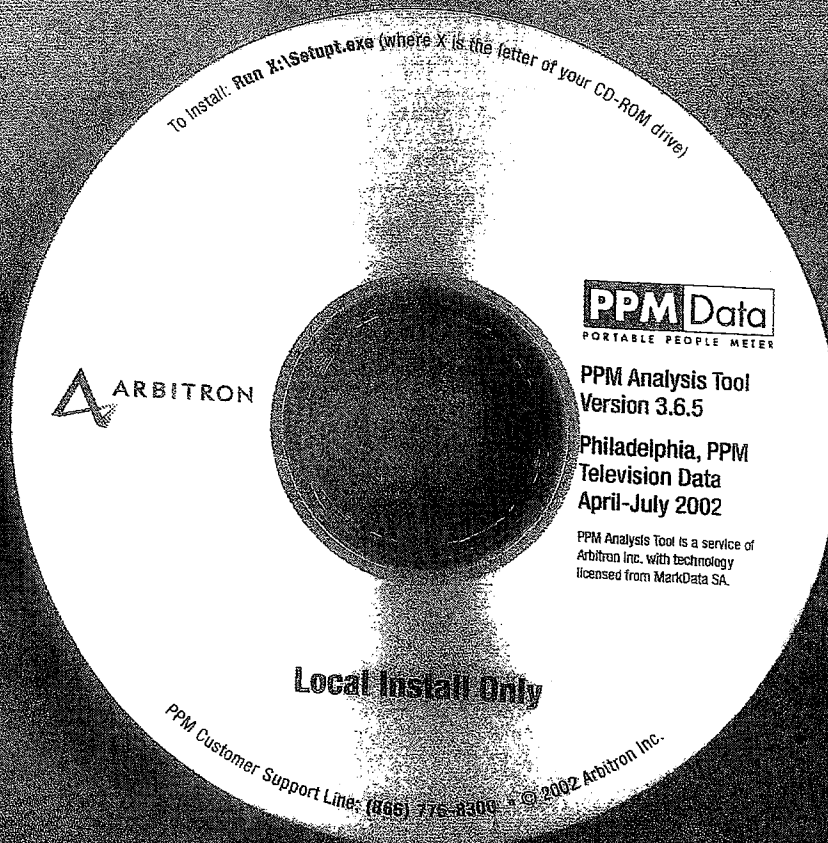
ARB 01080



ARB 01081



ARB 01082



Network Installation
Not Supported

ARB 01083

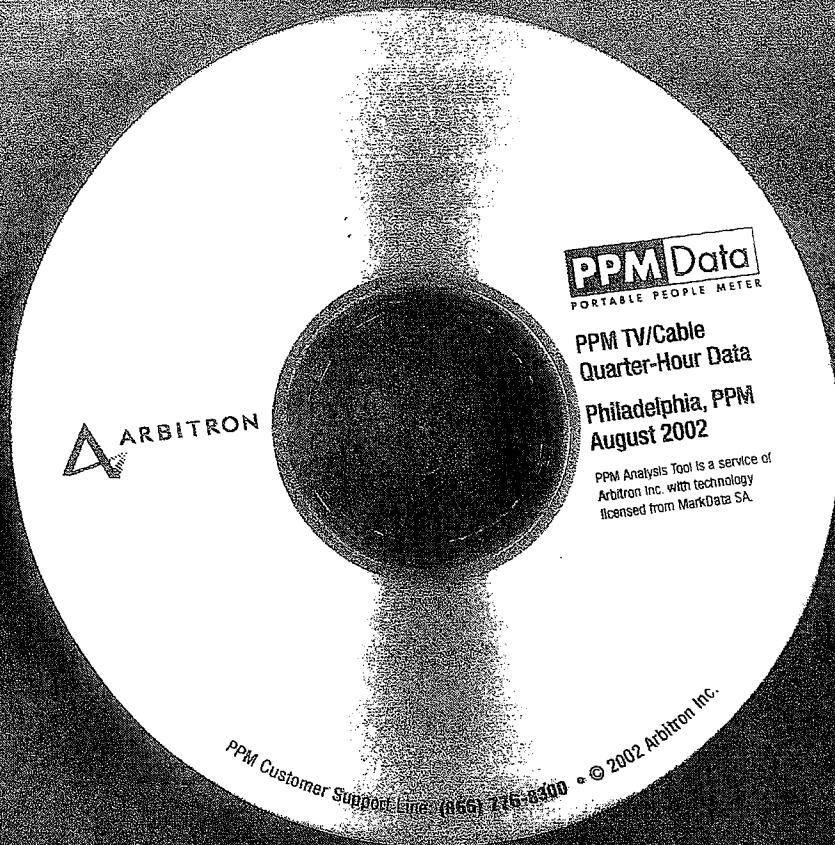


ARB 01084



Network Installation
Not Supported

ARB 01085



ARB 01086

EXHIBIT “3”

Philadelphia PPM Outlet - TV
AQH Ratings by Daypart
Total Persons Age 6+, Entire DMA

PPM Parameters

Start Date: 2/28/02
 End Date: 3/27/02
 Population: 7,004,782
 Avg. Daily
 Intab: 927

Broadcast TV

Monday-Friday	AQH		NMR Meter/Diary	
	Rating	Share*	Rating	Share*
4AM-5AM				
KYW (CBS)	0.40	5.3	0.14	10.6
WCAU (NBC)	0.80	12.0	0.20	15.3
WHYY (PBS)	0.00	0.5	0.00	0.3
WPHL (WB)	0.20	2.5	0.01	0.5
WPPX (PAX)	0.00	0.4	0.00	0.0
WPSG (UPN)	0.70	9.4	0.09	6.8
WPVI (ABC)	1.40	19.9	0.44	33.8
WTFX (FOX) **	0.50	7.0	0.02	1.4
	4.00	57.0	0.89	68.6
5AM-6AM				
KYW (CBS)	0.80	7.8	0.78	18.9
WCAU (NBC)	1.90	19.1	1.19	28.7
WHYY (PBS)	0.00	0.3	0.00	0.1
WPHL (WB)	0.10	1.1	0.00	0.0
WPPX (PAX)	0.00	0.2	0.01	0.2
WPSG (UPN)	0.40	4.0	0.04	0.9
WPVI (ABC)	3.20	33.2	1.68	40.7
WTFX (FOX) **	0.60	6.3	0.20	4.8
	7.00	71.9	3.90	94.4
6AM-9AM				
KYW (CBS)	1.10	6.0	1.07	9.1
WCAU (NBC)	4.00	22.5	3.04	26.0
WHYY (PBS)	0.60	3.4	0.26	2.3
WPHL (WB)	0.70	3.8	0.32	2.7
WPPX (PAX)	0.00	0.2	0.01	0.1
WPSG (UPN)	0.20	1.2	0.04	0.3
WPVI (ABC)	5.30	29.4	3.94	33.7
WTFX (FOX) **	1.60	8.7	1.01	8.6
	13.50	75.1	9.70	82.9

For purposes of this report, Arbitron has adopted the Nielsen format of presenting results to two decimal points. The current Arbitron PPM application only produces values to one decimal point.

* Share among encoded outlets only; shares calculated on the basis of AQH Persons projections.

** WTFX did not encode all broadcast hours on 2/28/02 and 3/1/02. Data for WTFX may be slightly understated as a result.

NOTE: WGTW (Ind.), WUVP (Univision), WWSI (Telemundo) and Court TV are now encoded. However, these outlets were not encoded in time to be included in the March release of data. MSNBC was encoded in time to be included in the March release of data. But, MSNBC was not encoding for 13 days of the survey period and is therefore not included in the March release of data.

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Set Meter data are provided for evaluation purposes only. No commercial use whatsoever is authorized.

Philadelphia PPM Outlet - TV**AQH Ratings by Daypart**

Total Persons Age 18 to 49, Entire DMA

PPM Parameters

Start Date: 2/28/02
 End Date: 3/27/02
 Population: 3,430,887
 Avg. Daily
 Intab: 443

Broadcast TV

Monday-Friday	AQH		NMR Meter/Diary	
	Rating	Share*	Rating	Share*
4AM-5AM				
KYW (CBS)	0.30	4.5	0.15	11.0
WCAU (NBC)	0.90	13.4	0.22	15.6
WHYY (PBS)	0.00	0.5	0.01	0.5
WPHL (WB)	0.20	2.3	0.00	0.0
WPPX (PAX)	0.00	0.3	0.00	0.0
WPSG (UPN)	0.80	12.0	0.07	5.0
WPVI (ABC)	1.00	15.1	0.38	27.5
WTFX (FOX) **	0.60	8.3	0.03	2.3
	3.90	56.2	0.86	62.0
Monday-Friday				
5AM-6AM				
KYW (CBS)	0.60	6.9	0.53	12.0
WCAU (NBC)	1.70	18.6	1.19	27.1
WHYY (PBS)	0.00	0.2	0.00	0.0
WPHL (WB)	0.10	1.2	0.00	0.0
WPPX (PAX)	0.00	0.1	0.00	0.0
WPSG (UPN)	0.50	5.3	0.04	0.9
WPVI (ABC)	2.70	29.6	1.90	43.5
WTFX (FOX) **	0.80	8.3	0.36	8.1
	6.50	70.2	4.01	91.7
Monday-Friday				
6AM-9AM				
KYW (CBS)	0.90	5.4	0.56	5.4
WCAU (NBC)	3.50	21.1	2.80	27.3
WHYY (PBS)	0.70	4.2	0.30	2.9
WPHL (WB)	0.90	5.4	0.36	3.5
WPPX (PAX)	0.00	0.0	0.01	0.1
WPSG (UPN)	0.30	1.6	0.03	0.3
WPVI (ABC)	4.20	25.3	3.50	34.1
WTFX (FOX) **	1.90	11.3	1.35	13.1
	12.30	74.4	8.90	86.6

For purposes of this report, Arbitron has adopted the Nielsen format of presenting results to two decimal points. The current Arbitron PPM application only produces values to one decimal point.

* Share among encoded outlets only; shares calculated on the basis of AQH Persons projections.

** WTFX did not encode all broadcast hours on 2/28/02 and 3/1/02. Data for WTFX may be slightly understated as a result.

NOTE: WGTW (Ind.), WUVP (Univision), WWSI (Telemundo) and Court TV are now encoded. However, these outlets were not encoded in time to be included in the March release of data. MSNBC was encoded in time to be included in the March release of data. But, MSNBC was not encoding for 13 days of the survey period and is therefore not included in the March release of data.

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Set Meter data are provided for evaluation purposes only. No commercial use whatsoever is authorized.

ARB 00757

Philadelphia PPM Outlet - TV**AQH Ratings by Daypart**

Total Persons Age 25 to 54, Entire DMA

PPM Parameters

Start Date: 2/28/02
 End Date: 3/27/02
 Population: 3,279,750
 Avg. Daily
 Intab: 470

Broadcast TV

Monday-Friday	AQH		NMR Meter/Diary	
	Rating	Share*	Rating	Share*
4AM-5AM				
KYW (CBS)	0.30	5.1	0.16	10.1
WCAU (NBC)	0.70	11.8	0.23	14.3
WHYY (PBS)	0.00	0.8	0.01	0.5
WPHL (WB)	0.20	2.5	0.00	0.0
WPPX (PAX)	0.00	0.3	0.00	0.0
WPSG (UPN)	0.60	9.8	0.07	4.6
WPVI (ABC)	1.20	18.6	0.42	26.6
WTFX (FOX) **	0.50	7.5	0.03	2.1
	3.60	56.4	0.92	58.3

Monday-Friday	AQH		NMR Meter/Diary	
	Rating	Share*	Rating	Share*
5AM-6AM				
KYW (CBS)	0.70	6.8	0.70	13.7
WCAU (NBC)	1.90	19.2	1.45	28.3
WHYY (PBS)	0.00	0.2	0.00	0.0
WPHL (WB)	0.10	1.2	0.00	0.0
WPPX (PAX)	0.00	0.2	0.00	0.0
WPSG (UPN)	0.30	3.0	0.04	0.8
WPVI (ABC)	3.50	35.9	2.25	43.8
WTFX (FOX) **	0.80	7.9	0.29	5.6
	7.40	74.5	4.73	92.2

Monday-Friday	AQH		NMR Meter/Diary	
	Rating	Share*	Rating	Share*
6AM-9AM				
KYW (CBS)	0.90	5.2	0.92	7.6
WCAU (NBC)	3.70	22.0	3.33	27.6
WHYY (PBS)	0.90	5.0	0.31	2.6
WPHL (WB)	0.60	3.8	0.27	2.3
WPPX (PAX)	0.00	0.1	0.01	0.1
WPSG (UPN)	0.20	1.2	0.04	0.3
WPVI (ABC)	4.90	29.1	4.46	37.0
WTFX (FOX) **	1.80	10.8	1.32	10.9
	13.00	77.1	10.66	88.4

For purposes of this report, Arbitron has adopted the Nielsen format of presenting results to two decimal points. The current Arbitron PPM application only produces values to one decimal point.

* Share among encoded outlets only; shares calculated on the basis of AQH Persons projections.

** WTFX did not encode all broadcast hours on 2/28/02 and 3/1/02. Data for WTFX may be slightly understated as a result.

NOTE: WGTW (Ind.), WUVP (Univision), WWSI (Telemundo) and Court TV are now encoded. However, these outlets were not encoded in time to be included in the March release of data. MSNBC was encoded in time to be included in the March release of data. But, MSNBC was not encoding for 13 days of the survey period and is therefore not included in the March release of data.

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Philadelphia PPM Outlet - TV
AQH Ratings - Total Day
Total Men Age 18+, Entire DMA

PPM Parameters

Start Date: 2/28/02
End Date: 3/27/02
Population: 2,696,370
Avg. Daily Intab: 357

Broadcast TV

Monday-Sunday	AQH		NMR Meter/Diary	
	Rating	Share*	Rating	Share*
6AM-12MID				
KYW (CBS)	3.00	11.5	2.49	15.3
WCAU (NBC)	3.60	13.8	2.76	17.0
WHYY (PBS)	0.40	1.6	0.29	1.8
WPHL (WB)	1.50	5.8	0.75	4.6
WPPX (PAX)	0.20	0.8	0.12	0.8
WPSG (UPN)	1.20	4.5	0.71	4.4
WPVI (ABC)	4.10	15.7	3.29	20.3
WTFX (FOX) **	2.50	9.4	1.54	9.5
	16.50	63.1	11.95	73.6

Cable TV

Monday-Sunday	AQH		NMR Meter/Diary	
	Rating	Share*	Rating	Share*
6AM-12MID				
A&E	0.40	1.7	0.28	1.7
BET	0.50	1.7	0.11	0.7
CN8	0.10	0.5	0.02	0.1
CNN	0.50	1.9	0.25	1.6
CSN	0.80	3.2	0.41	2.5
DISCOVERY	0.40	1.6	0.21	1.3
ESPN	0.80	3.2	0.43	2.6
ESPN2	0.30	1.3	0.07	0.5
ETV	0.20	0.8	0.10	0.6
FX	0.40	1.7	0.21	1.3
HEADLINE NEW	0.10	0.3	0.01	0.0
HISTORY CHAN	0.60	2.3	0.27	1.7
LIFETIME	0.60	2.4	0.30	1.8
MTV	0.50	2.0	0.15	0.9
NICKELODEON	0.80	3.0	0.22	1.4
TBS	0.80	2.9	0.45	2.8
TNN	0.50	1.8	0.19	1.2
TNT	0.80	3.0	0.53	3.3
VH1	0.20	0.7	0.03	0.2
WEATHER CHAN	0.20	0.9	0.05	0.3
	9.50	36.9	4.29	26.4
Total Encoded TV	26.00	100.0	16.24	100.0

For purposes of this report, Arbitron has adopted the Nielsen format of presenting results to two decimal points. The current Arbitron PPM application only produces values to one decimal point.

* Share among encoded outlets only; shares calculated on the basis of AQH Persons projections.

** WTFX did not encode all broadcast hours on 2/28/02 and 3/1/02. Data for WTFX may be slightly understated as a result.

NOTE: WGTW (Ind.), WUVP (Univision), WWSI (Telemundo) and Court TV are now encoded. However, these outlets were not encoded in time to be included in the March release of data. MSNBC was encoded in time to be included in the March release of data. But, MSNBC was not encoding for 13 days of the survey period and is therefore not included in the March release of data.

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EXHIBIT “4”



Media Outlets Encoding

Following is a list of the outlets, sorted by media type, that were properly encoding their signals for greater than 90% of the days in the May 2002 survey period (April 25th – May 22nd).

Outlet Name	Percent of Time Encoding
Cable	
A&E	100%
BET	100%
CN8	100%
CNN	100%
Comcast SportsNet	100%
Court TV	100%
Discovery	100%
E! Entertainment	100%
ESPN	100%
ESPN2	100%
FX	100%
Headline News	100%
History Channel	100%
Lifetime	100%
MSNBC	100%
MTV	100%
Nickelodeon	100%
TBS	100%
TNN	100%
TNT	100%
VH1	100%
Weather Channel	100%

Outlet Name	Percent of Time Encoding
Radio	
KYW-AM (1060)	100%
WAEB-FM (104.1)	100%
WBEB-FM (101.1)	100%
WCTO-FM (96.1)	100%
WDAS-AM (1480)	100%
WDAS-FM (105.3)	100%
WDEL-AM (1150)	100%
WDOV-AM (1410)	100%
WDSD-FM (92.9)	100%
WEMG-AM (1310)	100%
WEMG-FM (104.9)	100%
WHAT-AM (1340)	100%
WHYY-FM (90.9)	100%
WILM-AM (1450)	100%
WIOQ-FM (102.1)	100%
WIP-AM (610)	100%
WJBR-AM (1290)	100%
WJBR-FM (99.5)	100%
WJUZ-FM (106.1)	100%
WJKS-FM (101.7)	100%
WKXW-FM (101.5)	100%
WLCE-FM (104.5)	100%
WLEV-FM (100.7)	100%
WMGK-FM (102.9)	100%
WMMR-FM (93.3)	100%
WMWX-FM (95.7)	100%
WNJO-FM (94.5)	100%
WODE-FM (99.9)	100%
WOGL-FM (98.1)	100%
WPEN-AM (950)	100%
WPHI-FM (103.9)	100%

Outlet Name	Percent of Time Encoding
Radio (continued)	
WPHT-AM (1210)	100%
WPLY-FM (100.3)	100%
WPST-FM (97.5)	100%
WPTP-FM (96.5)	100%
WRDX-FM (94.7)	100%
WRFY-FM (102.5)	100%
WRTI-FM (90.1)	100%
WSTW-FM (93.7)	100%
WURD-AM (900)	100%
WUSL-FM (98.9)	100%
WWJZ-AM (640)	100%
WXCX-FM (103.7)	100%
WXPX-FM (88.5)	100%
WXTU-FM (92.5)	100%
WYSP-FM (94.1)	100%
WZZO-FM (95.1)	100%

Outlet Name	Percent of Time Encoding
Television	
KYW-TV (CBS)	100%
WCAU-TV (NBC)	100%
WHYY-TV (PBS)	100%
WPHL-TV (WB)	100%
WPPX-TV (Pax)	100%
WPSG-TV (UPN)	100%
WPVI-TV (ABC)	100%
WTFX-TV (Fox)	100%
WUVP-TV (Univision)	100%
WWSI-TV (Telemundo)	100%

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Suite 1600
Los Angeles, CA 90024
(310) 824-6600

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Columbia, MD 21046
(410) 312-8000

Birmingham
3500 Colonnade Parkway
Suite 400
Birmingham, AL 35243

Television Ranker

Time Period: Th-We 5A-5A

Population: 7005200

Survey: May-02 - Dates In (04/25/2002
to 05/22/2002)

In-Tab: 1126

Target: P 6+

Percent of Population: 100.0

Geography: Philadelphia-DMA

Outlet	Program Name	Estimate	May-02
WPVI-TV	Th-We 5A-5A	Rating	4.4
ABC	Th-We 5A-5A	Shr%	18.9
	n.a.	WK Cume#	4604071
		AVG Daily Cume%	54.2
		AVG Daily Cume#	3794582
		In-Tab	1126
		Rating	2.6
KYW-TV	Th-We 5A-5A	Shr%	11.1
CBS	Th-We 5A-5A	WK Cume#	4024184
	n.a.	AVG Daily Cume%	41.5
		AVG Daily Cume#	2905504
		In-Tab	1126
		Rating	2.0
		Shr%	8.6
WTXF-TV	Th-We 5A-5A	WK Cume#	3479065
FOX	Th-We 5A-5A	AVG Daily Cume%	36.4
	n.a.	AVG Daily Cume#	2548327
		In-Tab	1126
		Rating	3.8
		Shr%	16.3
WCAU-TV	Th-We 5A-5A	WK Cume#	4608709
NBC	Th-We 5A-5A	AVG Daily Cume%	50.8
	n.a.	AVG Daily Cume#	3560580
		In-Tab	1126
		Rating	0.1
		Shr%	0.6
WPPX-TV	Th-We 5A-5A	WK Cume#	498849
PAX	Th-We 5A-5A	AVG Daily Cume%	4.5
	n.a.	AVG Daily Cume#	315133
		In-Tab	1126
		Rating	0.5
		Shr%	2.0
WHYY-TV	Th-We 5A-5A		
PBS	Th-We 5A-5A		

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Television Ranker

Time Period: Th-We 5A-5A
 Survey: May-02 - Dates In(04/25/2002
 to 05/22/2002)
 Target: P 6+
 Geography: Philadelphia-DMA

Population: 7005200
 In-Tab: 1126
 Percent of Population: 100.0

Outlet	Program Name	Rating	May-02
WWSI-TV	Th-We 5A-5A	W/K Cume#	1156730
TEL	Th-We 5A-5A	AVG Daily Cume%	11.1
		AVG Daily Cume#	779795
		In-Tab	1126
		Rating	0.1
		Shr%	0.2
		W/K Cume#	121497
		AVG Daily Cume%	1.2
		AVG Daily Cume#	83752
		In-Tab	1126
		Rating	0.3
		Shr%	1.2
WUVP-TV	Th-We 5A-5A	W/K Cume#	194868
UNI	Th-We 5A-5A	AVG Daily Cume%	2.3
		AVG Daily Cume#	161277
		In-Tab	1126
		Rating	1.4
		Shr%	5.9
		W/K Cume#	2487112
WPSC-TV	Th-We 5A-5A	AVG Daily Cume%	24.0
UPN	Th-We 5A-5A	AVG Daily Cume#	1679361
		In-Tab	1126
		Rating	1.3
		Shr%	5.6
		W/K Cume#	2560279
WPHL-TV	Th-We 5A-5A	AVG Daily Cume%	25.7
WB	Th-We 5A-5A	AVG Daily Cume#	1803259
		In-Tab	1126
		Rating	16.5
		Shr%	70.4
		W/K Cume#	6617938
		AVG Daily Cume%	89.1

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Television Ranker

Time Period: Th-We 5A-5A
 Survey: May-02 - Dates In(04/25/2002
 to 05/22/2002)
 Target: P 6+
 Geography: Philadelphia-DMA

Population: 7005200
 In-Tab: 1126
 Percent of Population: 100.0

Outlet	Program Name	Estimate	May-02
	AVG Daily Currnt		6243057
In-Tab			1126

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EXHIBIT “5”

Philadelphia PPM Outlet - TV
AQH Rankings by Daypart
Total Persons Age 6+, Entire DMA

Analysis Period

Start Date: 4/25/02
End Date: 5/22/02
Population: 7,005,200
Avg. Daily
Intab: 1,121

Broadcast TV

Monday-Friday	AQH		NMR Meter/Diary	
	Rating	Share*	Rating	Share*
6AM-9AM				
KYW	1.18	6.6	1.03	9.1
WCAU	3.78	21.3	2.68	23.6
WHYY	0.54	3.0	0.46	4.1
WPHL	0.58	3.3	0.34	3.0
WPPX	0.02	0.1	0.02	0.1
WPSG	0.22	1.3	0.03	0.2
WPVI	5.01	28.3	3.93	34.7
WTFX	1.99	11.2	0.95	8.3
WUVP	0.12	0.7	0.14	1.2
WWSI	0.01	0.0	0.00	0.0
	13.45	75.8	9.57	84.4

Monday-Friday	AQH		NMR Meter/Diary	
	Rating	Share*	Rating	Share*
9AM-12PM				
KYW	1.60	11.3	1.24	13.2
WCAU	1.45	10.2	1.04	11.1
WHYY	0.45	3.2	0.08	0.8
WPHL	1.63	11.4	1.06	11.3
WPPX	0.01	0.1	0.00	0.0
WPSG	0.82	5.8	0.81	8.6
WPVI	3.23	22.7	2.73	29.0
WTFX	1.24	8.7	0.81	8.6
WUVP	0.12	0.9	0.11	1.1
WWSI	0.01	0.1	0.00	0.0
	10.57	74.3	7.88	83.8

Monday-Friday	AQH		NMR Meter/Diary	
	Rating	Share*	Rating	Share*
12PM-4PM				
KYW	2.46	15.0	1.67	16.8
WCAU	1.44	8.7	1.33	13.4
WHYY	0.37	2.2	0.13	1.3
WPHL	1.59	9.7	0.93	9.4
WPPX	0.09	0.6	0.03	0.3
WPSG	0.46	2.8	0.19	2.0
WPVI	3.36	20.4	2.53	25.5
WTFX	1.15	7.0	0.83	8.4
WUVP	0.32	2.0	0.11	1.1
WWSI	0.07	0.4	0.00	0.0
	11.30	68.7	7.75	78.0

* Share among encoded outlets only; shares calculated on the basis of AQH Persons projections.

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Philadelphia PPM Outlet - TV
AQH Rankings by Daypart
Total Persons Age 18-49, Entire DMA

Analysis Period

Start Date: 4/25/02

End Date: 5/22/02

Population: 3,468,179

Avg. Daily

Intab: 557

Monday-Friday

	AQH		NMR Meter/Diary	
	Rating	Share*	Rating	Share*
7PM-7:30PM				
KYW	2.28	6.6	1.41	6.0
WCAU	3.70	10.7	2.56	11.0
WHYY	0.14	0.4	0.03	0.1
WPHL	3.02	8.7	2.71	11.6
WPPX	0.16	0.5	0.22	0.9
WPSG	2.79	8.1	2.36	10.1
WPVI	5.84	16.9	4.35	18.6
WTFX	5.26	15.3	3.63	15.5
WUVP	0.48	1.4	0.45	1.9
WWSI	0.11	0.3	0.00	0.0
	23.77	68.8	17.72	75.9

Monday-Friday

	AQH		NMR Meter/Diary	
	Rating	Share*	Rating	Share*
7:30PM-8PM				
KYW	1.75	4.8	1.31	5.3
WCAU	4.63	12.7	3.65	14.7
WHYY	0.59	1.6	0.20	0.8
WPHL	3.06	8.3	2.67	10.8
WPPX	0.11	0.3	0.36	1.4
WPSG	3.72	10.2	2.90	11.7
WPVI	4.40	12.1	3.27	13.2
WTFX	4.75	13.0	3.56	14.4
WUVP	0.62	1.7	0.49	2.0
WWSI	0.15	0.4	0.00	0.0
	23.78	65.1	18.41	74.4

Monday-Friday

	AQH		NMR Meter/Diary	
	Rating	Share*	Rating	Share*
8PM-11PM				
KYW	6.30	12.3	5.42	14.1
WCAU	9.34	18.3	8.17	21.4
WHYY	0.82	1.6	0.73	1.9
WPHL	2.88	5.7	2.75	7.2
WPPX	0.24	0.5	0.21	0.6
WPSG	3.18	6.2	2.57	6.7
WPVI	5.98	11.9	4.85	12.7
WTFX	5.11	10.2	3.83	10.0
WUVP	0.52	1.0	0.48	1.2
WWSI	0.15	0.3	0.00	0.0
	34.51	68.2	29.00	75.8

* Share among encoded outlets only; shares calculated on the basis of AQH Persons projections.

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Philadelphia PPM Outlet - TV
AQH Rankings by Daypart
Total Persons Age 25-54, Entire DMA

Analysis Period

Start Date: 4/25/02
End Date: 5/22/02
Population: 3,297,126
Avg. Daily Intab: 578

Broadcast TV

Monday-Friday	AQH		NMR Meter/Diary	
	Rating	Share*	Rating	Share*
6AM-9AM				
KYW	1.03	6.0	1.06	8.8
WCAU	3.99	23.3	3.23	26.8
WHYY	0.60	3.5	0.30	2.5
WPHL	0.47	2.8	0.35	2.9
WPPX	0.01	0.0	0.00	0.0
WPSG	0.13	0.8	0.01	0.1
WPVI	4.28	25.0	4.15	34.5
WTFX	2.76	16.1	1.30	10.8
WUVP	0.12	0.7	0.21	1.7
WWSI	0.01	0.1	0.00	0.0
	13.40	78.3	10.62	88.2

Monday-Friday	AQH		NMR Meter/Diary	
	Rating	Share*	Rating	Share*
9AM-12PM				
KYW	1.29	9.9	0.70	8.3
WCAU	1.41	10.9	1.18	14.1
WHYY	0.51	4.0	0.08	0.9
WPHL	1.33	10.3	0.87	10.3
WPPX	0.02	0.2	0.00	0.0
WPSG	0.79	6.2	0.47	5.5
WPVI	2.36	18.2	2.36	28.0
WTFX	1.44	11.2	1.00	11.8
WUVP	0.10	0.7	0.09	1.0
WWSI	0.01	0.0	0.00	0.0
	9.26	71.6	6.74	80.0

Monday-Friday	AQH		NMR Meter/Diary	
	Rating	Share*	Rating	Share*
12PM-4PM				
KYW	1.62	11.9	1.08	12.7
WCAU	1.34	9.8	1.22	14.5
WHYY	0.32	2.3	0.13	1.5
WPHL	1.38	10.1	0.89	10.5
WPPX	0.06	0.4	0.02	0.3
WPSG	0.36	2.6	0.17	2.0
WPVI	2.45	17.9	2.61	30.8
WTFX	1.24	9.1	0.71	8.3
WUVP	0.17	1.2	0.14	1.7
WWSI	0.10	0.7	0.00	0.0
	9.05	66.2	6.97	82.3

* Share among encoded outlets only; shares calculated on the basis of AQH Persons projections.

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EXHIBIT “6”



Media Outlets Encoding

Following is a list of the outlets, sorted by media type, that are encoding their signals. The percentage of time properly encoding during the April-July 2002 survey period (March 28 –August 7) impacts their inclusion in the estimates (see Reporting Criteria).

Cable Outlet Name	Percent of Time Encoding				
	April (3/28-4/24)	May (4/25-5/22)	June (5/30-6/26)	July (7/11-8/7)	Outside of Survey Periods
A&E	100%	100%	100%	100%	100%
Animal Planet	<80%	<80%	100%	100%	100%
BET	100%	100%	100%	100%	100%
CN8	100%	100%	100%	100%	100%
CNN	100%	100%	100%	100%	100%
CSN	100%	100%	100%	100%	100%
Court TV	<80%	100%	100%	100%	100%
Discovery	100%	100%	100%	100%	100%
E! Entertainment	100%	100%	100%	100%	100%
ESPN	100%	100%	100%	100%	100%
ESPN2	100%	100%	100%	100%	100%
FX	100%	100%	100%	100%	100%
Golf Channel	<80%	<80%	<80%	<80%	100%
Headline News	100%	100%	100%	100%	100%
History Channel	100%	100%	100%	100%	100%
Lifetime	100%	100%	100%	100%	100%
MSNBC	100%	100%	100%	100%	100%
MTV	100%	100%	100%	100%	100%
NICK	100%	100%	100%	80-99%	100%
TBS	100%	100%	<80%	100%	100%
TLC	<80%	<80%	<80%	100%	100%
TNN	100%	100%	100%	100%	100%
TNT	100%	100%	100%	100%	100%
Travel Channel	<80%	<80%	<80%	100%	100%
VH1	100%	100%	100%	100%	100%
Weather Channel	100%	100%	100%	100%	100%

Reporting Criteria

100%

The outlets and all of their components were properly encoding their signal for 100% of the days in this survey period.

80-99%

This outlet or one and/or all of its components was properly encoding its signal for 80-99% of the days in the selected survey period. Estimates include all days in the selected survey period, both properly encoding days and days the outlet or one and/or all of its components was not properly encoded.

<80%

This outlet or one and/or all of its components was properly encoding its signal for less than 80% of the days in the selected survey period and therefore did not meet reporting criteria. No estimates are provided.

When an outlet or one and/or all of its components is properly encoding its signal for less than 80% of the selected survey period, no estimates are provided. All exposures to the outlet are counted, however, and will be included in the determination of Persons Using Measured Media (PUMM). As a result, a user may note that total AQH and PUMM do not always match.

Television Outlet Name	Percent of Time Encoding				
	April (3/28-4/24)	May (4/25-5/22)	June (5/30-6/26)	July (7/11-8/7)	Outside of Survey Periods
KYW-TV CBS	100%	100%	100%	100%	100%
WCAU-TV NBC	100%	100%	100%	100%	100%
WGTW-TV Ind.	<80%	<80%	<80%	<80%	100%
WHYY-TV PBS	80-99%	100%	100%	100%	100%
WPHL-TV WB	100%	100%	100%	100%	100%
WPPX-TV PAX	100%	100%	100%	100%	100%
WPSG-TV UPN	100%	100%	100%	100%	100%
WPVI-TV ABC	100%	100%	100%	100%	100%
WTFX-TV FOX	100%	100%	100%	100%	100%
WUVP-TV Univision	100%	100%	100%	100%	100%
WWSI-TV Telemundo	100%	100%	100%	100%	100%

MEDIA OUTLETS ENCODING

Radio Outlet Name	Percent of Time Encoding					Reporting Criteria
	April (3/28-4/24)	May (4/25-5/22)	June (5/30-6/26)	July (7/11-8/7)	Outside of Survey Periods	
KYW-AM (1060)	100%	100%	100%	100%	100%	100% The outlets and all of their components were properly encoding their signal for 100% of the days in this survey period.
WAEB-FM (104.1)	100%	100%	100%	100%	100%	
WBEB-FM (101.1)	100%	100%	100%	100%	100%	
WCTO-FM (96.1)	100%	100%	100%	100%	100%	
WDAS-AM (1480)	100%	100%	100%	80-99%	100%	
WDAS-FM (105.3)	100%	100%	100%	100%	100%	
WDEL-AM (1150)	100%	100%	100%	100%	100%	
WDOV-AM (1410)	100%	100%	100%	100%	100%	
WDSO-FM (92.9)	100%	100%	100%	100%	100%	
WEMG-AM (1310)	100%	100%	100%	100%	100%	
WEMG-FM (104.9)	100%	100%	100%	100%	offline 4 days (6/28-7/1)	
WHAT-AM (1340)	100%	100%	100%	100%	100%	80-99% This outlet or one and/or all of its components was properly encoding its signal for 80-99% of the days in the selected survey period. Estimates include all days in the selected survey period, both properly encoding days and days the outlet or one and/or all of its components was not properly encoded.
WHYY-FM (90.9)	100%	100%	100%	100%	100%	
WILM-AM (1450)	100%	100%	100%	100%	100%	
WIOQ-FM (102.1)	100%	100%	100%	100%	100%	
WIP-AM (610)	100%	100%	100%	100%	100%	
WJBR-AM (1290)	100%	100%	100%	100%	100%	
WJBR-FM (99.5)	100%	100%	100%	100%	100%	
WJZZ-FM (106.1)	100%	100%	100%	80-99%	100%	
WJKS-FM (101.7)	100%	100%	100%	100%	100%	
WKXW-FM (NJ101.5)	100%	100%	100%	100%	100%	
WLCE-FM (104.5)	100%	100%	100%	80-99%	100%	
WLEV-FM (100.7)	100%	100%	100%	100%	100%	<80% This outlet or one and/or all of its components was properly encoding its signal for less than 80% of the days in the selected survey period and therefore did not meet reporting criteria. No estimates are provided.
WMGK-FM (102.9)	100%	100%	100%	100%	100%	
WMMR-FM (93.3)	100%	100%	100%	100%	100%	
WMWX-FM (95.7)	100%	100%	100%	100%	100%	
WNJO-FM (94.5)	80-99%	100%	100%	100%	100%	
WODE-FM (99.9)	100%	100%	100%	100%	100%	
WOGL-FM (98.1)	100%	100%	100%	100%	100%	
WPEN-AM (950)	100%	100%	100%	100%	100%	
WPHI-FM (103.9)	100%	100%	100%	100%	100%	
WPHT-AM (1210)	100%	100%	100%	100%	100%	
WPLY-FM (100.3)	100%	100%	100%	100%	100%	
WPST-FM (97.5)	100%	100%	100%	100%	100%	<80% This outlet or one and/or all of its components was properly encoding its signal for less than 80% of the days in the selected survey period and therefore did not meet reporting criteria. No estimates are provided.
WPTP-FM (96.5)	100%	100%	100%	100%	100%	
WRDX-FM (94.7)	100%	100%	100%	100%	100%	
WRFY-FM (102.5)	100%	100%	100%	100%	100%	
WRTI-FM (90.1)	100%	100%	100%	100%	100%	
WSTW-FM (93.7)	100%	100%	100%	100%	100%	
WURD-AM (900)	100%	100%	100%	100%	100%	
WUSL-FM (98.9)	100%	100%	100%	100%	100%	
WWJZ-AM (640)	100%	100%	100%	100%	100%	
WXCX-FM (103.7)	100%	100%	100%	100%	100%	
WXPN-FM (88.5)	100%	100%	100%	<80%	100%	
WXTU-FM (92.5)	80-99%	100%	100%	100%	100%	<80% This outlet or one and/or all of its components was properly encoding its signal for less than 80% of the days in the selected survey period and therefore did not meet reporting criteria. No estimates are provided.
WYSP-FM (94.1)	100%	100%	100%	100%	100%	
WZZO-FM (95.1)	100%	100%	100%	100%	100%	

ARB 01040



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Television Ranker

Time Period: Th-We 5A-5A

Survey: May-02 - Dates In(04/25/2002 to 05/02/2002)

Target: P 6+

Geography: Philadelphia-DMA

Population: 7005200

In-Tab: 1099

Percent of Population: 100.0

Outlet	Program Name	Estimate	Spots	Rate
WPHL-TV	Th-We 5A-5A n.a.	Rating Shr%	1.4 6.0	1.2 5.6
WB	Th-We 5A-5A n.a.	WK Cume# AVG Daily Cume% AVG Daily Cume#	452974 26.4 185011	4454656 24.9 1741219
WPSC-TV	Th-We 5A-5A Th-We 5A-5A n.a.	In-Tab Rating Shr% WK Cume#	1099 1.3 5.5 449508	1.2 5.5 4218375
UPN	Th-We 5A-5A n.a.	AVG Daily Cume% AVG Daily Cume#	23.5 164347	22.4 1570510
WUVP-TV	Th-We 5A-5A Th-We 5A-5A n.a.	In-Tab Rating Shr% WK Cume#	1099 0.3 1.1 438565	1.134 0.2 1.0 521117
UNI	Th-We 5A-5A n.a.	AVG Daily Cume% AVG Daily Cume#	2.6 180013	2.6 178729
WMWSI-TV	Th-We 5A-5A Th-We 5A-5A n.a.	In-Tab Rating Shr% WK Cume#	1099 0.1 0.2 278983	0.1 0.3 0.2 256028
TEL	Th-We 5A-5A n.a.	AVG Daily Cume% AVG Daily Cume#	1.2 87533	1.2 96855
WPPX-TV	Th-We 5A-5A Th-We 5A-5A n.a.	In-Tab Rating Shr% WK Cume#	1099 0.2 0.6 123743	1.134 0.2 0.7 1374024
PAX	Th-We 5A-5A n.a.	AVG Daily Cume% AVG Daily Cume#	4.4 307654	4.7 329656
WCAU-TV	Th-We 5A-5A Th-We 5A-5A n.a.	In-Tab Rating Shr% WK Cume#	1099 3.6 15.1 612135	3.2 2.4 14.2 5733019
NBC	Th-We 5A-5A n.a.	AVG Daily Cume%	48.7	44.3

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Page: 1

Arbitron

Population: 7005200
In-Tab: 1099
Percent of Population: 100.0

[illegible]Footnote on least
passed report

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ARB 01042

PPM Data

ARBITRON

Time Period: Th-We 5A-5A
Survey: May-02 - Dates In
to 06/22/2002)
Target: P 6+
Geography: Philadelphia-DMA

Population: 7005200

In-Tab: 1099

Percent of Population: 100.0

Owner	Project Name	Estimate #	Drawn By	Date	Scale	Sheet No.	Total Sheets
	MK CUMBER	680745	68-7-149	682086D			
	Avg DAILY GUNNY	88.1	C.B.D	83.9			
	Avg DAILY GUNNY	60745B	59245C2	6800571			
	Instr-B	100B	100A	1082			

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The outlets and all of their components were properly encoding their signal for 100% of the days in this time is strictly prohibited.

the survey period, unless otherwise noted.
 *** This outlet or one and/or all of its components was properly encoding its signal for less than 80% of the days in the selected survey period and therefore did not meet reporting criteria. No estimates are provided.
 ** This outlet or one and/or all of its components was properly encoding its signal for 80-99% of the days in the selected survey period. Estimates include all days in the selected survey period, both properly encoding and not properly encoding.
 * This outlet or one and/or all of its components was not properly encoded.

* This analysis can not be provided due to less than 30 intab. Estimates based on a sample size of less than 30 are considered unstable.

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ppm Data

PORTABLE PEOPLE METER

Arbitron

EXHIBIT “7”

Philadelphia PPM Outlet - TV
AQH Ratings - Total Day
Total Persons Age 6+, Entire DMA

PPM Parameters

Start Date: 7/11/02
 End Date: 8/7/02
 Population: 7,005,200
 Avg. Daily
 Intab: 1,082

Broadcast TV

Monday-Sunday	AQH		NMR Meter/Diary	
	Rating	Share*	Rating	Share*
6AM-12MID				
KYW (CBS)	2.41	9.4	1.97	12.0
WCAU (NBC)	2.75	10.7	2.25	13.8
WHYY (PBS)	0.62	2.4	0.44	2.7
WPHL (WB)	1.45	5.6	1.06	6.5
WPPX (PAX)	0.22	0.8	0.18	1.1
WPSG (UPN)	1.35	5.3	0.84	5.1
WPVI (ABC)	4.42	17.2	3.28	20.1
WTXF (FOX)	2.03	7.9	1.31	8.0
WUVP (Univision)	0.27	1.1	0.10	0.6
WWSI (Telemundo)	0.08	0.3	0.00	0.0
	15.60	60.7	11.43	69.9

Cable TV

Monday-Sunday	AQH		NMR Meter/Diary	
	Rating	Share*	Rating	Share*
6AM-12MID				
A&E	0.46	1.8	0.27	1.7
ANIMAL PLANET	0.18	0.7	0.07	0.4
BET	0.41	1.6	0.14	0.8
CN8	0.07	0.3	0.01	0.1
CNN	0.45	1.7	0.23	1.4
COURT TV	0.20	0.8	0.07	0.4
CSN	0.50	1.9	0.24	1.5
DISCOVERY	0.29	1.1	0.12	0.8
ESPN	0.48	1.9	0.23	1.4
ESPN2	0.18	0.7	0.04	0.2
ETV	0.22	0.9	0.07	0.4
FX	0.24	0.9	0.11	0.7
HEADLINE NEW	0.08	0.3	0.01	0.0
HISTORY CHAN	0.36	1.4	0.13	0.8
LIFETIME	0.77	3.0	0.62	3.8
MSNBC	0.22	0.9	0.09	0.5
MTV	0.70	2.7	0.21	1.3
NICKELODEON^	1.60^	6.2	1.01	6.2
TBS	0.76	2.9	0.37	2.3
TLC	0.35	1.4	0.21	1.3
TNN	0.33	1.3	0.12	0.7
TNT	0.82	3.2	0.44	2.7
TRAVEL CHANNEL	0.05	0.2	0.01	0.1
VH1	0.23	0.9	0.04	0.2
WEATHER CHAN	0.18	0.7	0.06	0.4
	10.11	39.3	4.93	30.1
Total Encoded TV	25.71	100.0	16.36	100.00

* Share among encoded outlets only; shares calculated on the basis of AQH Persons projections.

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The outlets and all their components were properly encoding their signal for 100% of the days in this survey period, unless otherwise noted.

^ Nickelodeon was properly encoding its signal for 80-99% of the days in this survey period. Estimates include all days in this survey period, both properly encoding days and days the outlet or one and/or all of its components was not properly encoded.

ARB 00927

Philadelphia PPM Outlet - TV
AQH Ratings - Total Day
Total Men Age 18+, Entire DMA

PPM Parameters

Start Date: 7/11/02
End Date: 8/7/02
Population: 2,696,400
Avg. Daily
Intab: 432

Broadcast TV

Monday-Sunday	AQH		NMR Meter/Diary	
	Rating	Share*	Rating	Share*
6AM-12MID				
KYW (CBS)	1.98	8.4	1.55	11.0
WCAU (NBC)	2.88	12.2	2.03	14.3
WHYY (PBS)	0.55	2.4	0.35	2.5
WPHL (WB)	1.29	5.5	0.73	5.2
WPPX (PAX)	0.15	0.6	0.13	0.9
WPSG (UPN)	1.25	5.3	0.75	5.3
WPVI (ABC)	3.60	15.3	2.77	19.5
WTFX (FOX)	2.09	8.9	1.30	9.2
WUVP (Univision)	0.12	0.5	0.05	0.4
WWSI (Telemundo)	0.09	0.4	0.00	0.0
	14.00	59.4	9.67	68.3

Cable TV

Monday-Sunday	AQH		NMR Meter/Diary	
	Rating	Share*	Rating	Share*
6AM-12MID				
A&E	0.43	1.8	0.23	1.6
ANIMAL PLANET	0.16	0.7	0.07	0.5
BET	0.29	1.2	0.11	0.8
CN8	0.07	0.3	0.01	0.1
CNN	0.51	2.2	0.30	2.1
COURT TV	0.19	0.8	0.08	0.5
CSN	0.75	3.2	0.43	3.0
DISCOVERY	0.31	1.3	0.16	1.2
ESPN	0.70	3.0	0.44	3.1
ESPN2	0.25	1.1	0.06	0.5
ETV	0.23	1.0	0.07	0.5
FX	0.32	1.3	0.15	1.1
HEADLINE NEW	0.10	0.4	0.01	0.1
HISTORY CHAN	0.56	2.4	0.24	1.7
LIFETIME	0.47	2.0	0.26	1.8
MSNBC	0.29	1.3	0.09	0.6
MTV	0.50	2.1	0.14	1.0
NICKELODEON^	0.71^	3.0	0.29	2.0
TBS	0.79	3.3	0.40	2.8
TLC	0.27	1.1	0.13	1.0
TNN	0.37	1.6	0.16	1.1
TNT	0.83	3.5	0.53	3.7
TRAVEL CHANNEL	0.06	0.3	0.01	0.1
VH1	0.20	0.9	0.03	0.2
WEATHER CHAN	0.21	0.9	0.09	0.7
	9.57	40.6	4.49	31.7
Total Encoded TV	23.57	100.0	14.15	100.0

* Share among encoded outlets only; shares calculated on the basis of AQH Persons projections.

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The outlets and all their components were properly encoding their signal for 100% of the days in this survey period, unless otherwise noted.

^ Nickelodeon was properly encoding its signal for 80-99% of the days in this survey period. Estimates include all days in this survey period, both properly encoding days and days the outlet or one and/or all of its components was not properly encoded.

ARB 00928

Philadelphia PPM Outlet - TV
AQH Ratings - Total Day
Total Women Age 18+, Entire DMA

PPM Parameters

Start Date: 7/11/02
End Date: 8/7/02
Population: 3,011,800
Avg. Daily
Intab: 498

Broadcast TV

Monday-Sunday	AQH		NMR Meter/Diary	
	Rating	Share*	Rating	Share*
6AM-12MID				
KYW (CBS)	3.16	11.2	2.93	14.5
WCAU (NBC)	3.18	11.2	3.10	15.4
WHYY (PBS)	0.69	2.4	0.51	2.5
WPHL (WB)	1.35	4.8	1.23	6.1
WPPX (PAX)	0.34	1.2	0.28	1.4
WPSG (UPN)	1.32	4.7	0.89	4.4
WPVI (ABC)	6.04	21.3	4.75	23.5
WTFX (FOX)	2.08	7.4	1.49	7.4
WUVP (Univision)	0.50	1.8	0.16	0.8
WWSI (Telemundo)	0.08	0.3	0.00	0.0
	18.74	66.2	15.34	76.0

Cable TV

Monday-Sunday	AQH		NMR Meter/Diary	
	Rating	Share*	Rating	Share*
6AM-12MID				
A&E	0.6	2.1	0.41	2.1
ANIMAL PLANET	0.19	0.7	0.08	0.4
BET	0.37	1.3	0.08	0.4
CN8	0.08	0.3	0.02	0.1
CNN	0.48	1.7	0.26	1.3
COURT TV	0.27	1.0	0.10	0.5
CSN	0.37	1.3	0.15	0.7
DISCOVERY	0.33	1.2	0.12	0.6
ESPN	0.33	1.1	0.10	0.5
ESPN2	0.12	0.4	0.02	0.1
ETV	0.23	0.8	0.09	0.4
FX	0.22	0.8	0.10	0.5
HEADLINE NEW	0.06	0.2	0.00	0.0
HISTORY CHAN	0.23	0.8	0.09	0.4
LIFETIME	1.12	4.0	1.16	5.8
MSNBC	0.2	0.7	0.12	0.6
MTV	0.53	1.9	0.17	0.8
NICKELODEON^	1.08^	3.8	0.37	1.8
TBS	0.68	2.4	0.39	1.9
TLC	0.44	1.5	0.33	1.6
TNN	0.22	0.8	0.08	0.4
TNT	0.93	3.3	0.50	2.5
TRAVEL CHANNEL	0.05	0.2	0.01	0.1
VH1	0.23	0.8	0.05	0.2
WEATHER CHAN	0.21	0.7	0.05	0.3
	9.56	33.8	4.85	24.0
Total Encoded TV	28.30	100.0	20.19	100.0

* Share among encoded outlets only; shares calculated on the basis of AQH Persons projections.

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The outlets and all their components were properly encoding their signal for 100% of the days in this survey period, unless otherwise noted.

^ Nickelodeon was properly encoding its signal for 80-99% of the days in this survey period. Estimates include all days in this survey period, both properly encoding days and days the outlet or one and/or all of its components was not properly encoded.

ARB 00929

Philadelphia PPM Outlet - TV
AQH Ratings - Total Day
Total Children Age 6-11, Entire DMA

PPM Parameters

Start Date: 7/11/02
End Date: 8/7/02
Population: 651,600
Avg. Daily
Intab: 75

Broadcast TV

Monday-Sunday	AQH		NMR Meter/Diary	
	Rating	Share*	Rating	Share*
6AM-12MID				
KYW (CBS)	1.95	7.9	0.40	3.2
WCAU (NBC)	1.74	7.0	0.52	4.2
WHYY (PBS)	1.00	4.0	0.69	5.5
WPHL (WB)	1.83	7.4	0.99	7.9
WPPX (PAX)	0.06	0.2	0.03	0.3
WPSG (UPN)	1.71	6.9	0.67	5.3
WPVI (ABC)	2.64	10.7	0.85	6.8
WTFX (FOX)	1.95	7.9	0.74	5.9
WUVP (Univision)	0.06	0.2	0.10	0.8
WWSI (Telemundo)	0.07	0.3	0.00	0.0
	13.02	52.5	4.99	39.9

Cable TV

Monday-Sunday	AQH		NMR Meter/Diary	
	Rating	Share*	Rating	Share*
6AM-12MID				
A&E	0.12	0.5	0.02	0.1
ANIMAL PLANET	0.15	0.6	0.05	0.4
BET	0.39	1.6	0.16	1.3
CN8	0.05	0.2	0.00	0.0
CNN	0.31	1.2	0.00	0.0
COURT TV	0.07	0.3	0.00	0.0
CSN	0.25	1.0	0.04	0.3
DISCOVERY	0.17	0.7	0.04	0.3
ESPN	0.29	1.2	0.06	0.5
ESPN2	0.12	0.5	0.01	0.1
ETV	0.13	0.5	0.01	0.1
FX	0.10	0.4	0.03	0.2
HEADLINE NEW	0.08	0.3	0.00	0.0
HISTORY CHAN	0.27	1.1	0.02	0.2
LIFETIME	0.49	2.0	0.07	0.6
MSNBC	0.20	0.8	0.02	0.2
MTV	0.54	2.2	0.12	1.0
NICKELODEON^	5.94^	23.9	6.44	51.5
TBS	0.67	2.7	0.13	1.1
TLC	0.27	1.1	0.06	0.5
TNN	0.55	2.2	0.11	0.9
TNT	0.35	1.4	0.07	0.6
TRAVEL CHANNEL	0.04	0.2	0.00	0.0
VH1	0.15	0.6	0.04	0.3
WEATHER CHAN	0.07	0.3	0.00	0.0
	11.78	47.5	7.53	60.1
Total Encoded TV	24.80	100.0	12.52	100.0

* Share among encoded outlets only; shares calculated on the basis of AQH Persons projections.

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ARB 00930

Philadelphia PPM Outlet - TV
AQH Ratings - Total Day
Total Teens Age 12-17, Entire DMA

PPM Parameters

Start Date: 7/11/02
End Date: 8/7/02
Population: 645,400
Avg. Daily
Intab: 78

Broadcast TV

Monday-Sunday	AQH		NMR Meter/Diary	
	Rating	Share*	Rating	Share*
6AM-12MID				
KYW (CBS)	1.21	5.1	0.61	5.6
WCAU (NBC)	1.17	5.0	0.76	7.0
WHYY (PBS)	0.20	0.9	0.19	1.7
WPHL (WB)	2.19	9.3	1.75	16.0
WPPX (PAX)	0.10	0.4	0.03	0.3
WPSG (UPN)	1.60	6.8	1.18	10.8
WPVI (ABC)	2.05	8.7	0.75	6.9
WTFX (FOX)	1.61	6.8	1.02	9.3
WUVP (Univision)	0.08	0.4	0.02	0.2
WWSI (Telemundo)	0.08	0.3	0.00	0.0
	10.29	43.6	6.31	57.7

Cable TV

Monday-Sunday	AQH		NMR Meter/Diary	
	Rating	Share*	Rating	Share*
6AM-12MID				
A&E	0.22	0.9	0.05	0.4
ANIMAL PLANET	0.21	0.9	0.07	0.6
BET	1.14	4.8	0.50	4.6
CN8	0.04	0.2	0.00	0.0
CNN	0.15	0.6	0.00	0.0
COURT TV	0.10	0.4	0.00	0.0
CSN	0.29	1.2	0.08	0.8
DISCOVERY	0.19	0.8	0.04	0.4
ESPN	0.48	2.0	0.16	1.4
ESPN2	0.18	0.8	0.01	0.1
ETV	0.23	1.0	0.03	0.2
FX	0.14	0.6	0.04	0.4
HEADLINE NEW	0.03	0.1	0.00	0.0
HISTORY CHAN	0.18	0.8	0.02	0.2
LIFETIME	0.68	2.9	0.11	1.0
MSNBC	0.06	0.2	0.00	0.0
MTV	2.45	10.4	0.82	7.5
NICKELODEON^	3.38^	14.3	1.83	16.7
TBS	1.04	4.4	0.40	3.6
TLC	0.37	1.6	0.14	1.3
TNN	0.48	2.0	0.11	1.0
TNT	0.77	3.3	0.16	1.5
TRAVEL CHANNEL	0.05	0.2	0.00	0.0
VH1	0.36	1.5	0.04	0.4
WEATHER CHAN	0.08	0.4	0.01	0.1
	13.29	56.4	4.62	42.3
Total Encoded TV	23.58	100.0	10.93	100.0

* Share among encoded outlets only; shares calculated on the basis of AQH Persons projections.

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ARB 00931

Philadelphia PPM Outlet - TV
AQH Ratings - Total Day
Total Persons Age 18-34, Entire DMA

PPM Parameters

Start Date: 7/11/02
 End Date: 8/7/02
 Population: 1,671,500
 Avg. Daily
 Intab: 214

Broadcast TV

Monday-Sunday	AQH		NMR Meter/Diary	
	Rating	Share*	Rating	Share*
6AM-12MID				
KYW (CBS)	1.20	5.6	0.81	7.2
WCAU (NBC)	2.40	11.1	1.52	13.5
WHYY (PBS)	0.44	2.0	0.15	1.3
WPHL (WB)	1.76	8.1	1.19	10.6
WPPX (PAX)	0.12	0.5	0.05	0.5
WPSG (UPN)	1.37	6.3	0.73	6.5
WPVI (ABC)	2.68	12.4	1.61	14.4
WTFX (FOX)	2.13	9.8	1.48	13.2
WUVP (Univision)	0.17	0.8	0.07	0.6
WWSI (Telemundo)	0.07	0.3	0.00	0.0
	12.33	57.0	7.62	67.8

Cable TV

Monday-Sunday	AQH		NMR Meter/Diary	
	Rating	Share*	Rating	Share*
6AM-12MID				
A&E	0.30	1.4	0.11	1.0
ANIMAL PLANET	0.20	0.9	0.06	0.5
BET	0.67	3.1	0.19	1.7
CN8	0.06	0.3	0.01	0.0
CNN	0.22	1.0	0.15	1.3
COURT TV	0.14	0.6	0.06	0.6
CSN	0.34	1.6	0.13	1.2
DISCOVERY	0.24	1.1	0.10	0.9
ESPN	0.54	2.5	0.23	2.1
ESPN2	0.17	0.8	0.02	0.2
ETV	0.26	1.2	0.05	0.5
FX	0.29	1.4	0.10	0.9
HEADLINE NEW	0.04	0.2	0.00	0.0
HISTORY CHAN	0.21	1.0	0.05	0.5
LIFETIME	0.68	3.1	0.42	3.7
MSNBC	0.12	0.6	0.01	0.1
MTV	1.12	5.2	0.36	3.2
NICKELODEON^	0.90^	4.1	0.43	3.8
TBS	0.77	3.6	0.27	2.4
TLC	0.37	1.7	0.28	2.5
TNN	0.37	1.7	0.17	1.5
TNT	0.77	3.6	0.32	2.8
TRAVEL CHANNEL	0.04	0.2	0.00	0.0
VH1	0.38	1.8	0.07	0.6
WEATHER CHAN	0.11	0.5	0.03	0.3
	9.31	43.0	3.61	32.2
Total Encoded TV	21.64	100.0	11.23	100.0

* Share among encoded outlets only; shares calculated on the basis of AQH Persons projections.

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ARB 00932

Philadelphia PPM Outlet - TV
AQH Ratings - Total Day
Total Persons Age 18-49, Entire DMA

PPM Parameters

Start Date: 7/11/02
End Date: 8/7/02
Population: 3,454,944
Avg. Daily
Intab: 516

Broadcast TV

Monday-Sunday	AQH		NMR Meter/Diary	
	Rating	Share*	Rating	Share*
6AM-12MID				
KYW (CBS)	1.62	7.2	1.30	9.8
WCAU (NBC)	2.72	12.1	1.93	14.6
WHYY (PBS)	0.49	2.2	0.29	2.2
WPHL (WB)	1.49	6.6	1.22	9.2
WPPX (PAX)	0.13	0.6	0.09	0.7
WPSG (UPN)	1.22	5.4	0.75	5.7
WPVI (ABC)	3.25	14.5	2.26	17.1
WTFX (FOX)	2.13	9.5	1.37	10.3
WUVP (Univision)	0.17	0.7	0.13	1.0
WWSI (Telemundo)	0.07	0.3	0.00	0.0
	13.28	59.1	9.35	70.5

Cable TV

Monday-Sunday	AQH		NMR Meter/Diary	
	Rating	Share*	Rating	Share*
6AM-12MID				
A&E	0.31	1.4	0.19	1.4
ANIMAL PLANET	0.18	0.8	0.07	0.5
BET	0.43	1.9	0.13	1.0
CN8	0.06	0.3	0.01	0.1
CNN	0.30	1.3	0.12	0.9
COURT TV	0.16	0.7	0.07	0.6
CSN	0.38	1.7	0.16	1.2
DISCOVERY	0.27	1.2	0.13	1.0
ESPN	0.48	2.2	0.21	1.6
ESPN2	0.17	0.8	0.03	0.2
ETV	0.24	1.1	0.10	0.7
FX	0.29	1.3	0.12	0.9
HEADLINE NEW	0.06	0.3	0.00	0.0
HISTORY CHAN	0.28	1.2	0.10	0.7
LIFETIME	0.72	3.2	0.48	3.6
MSNBC	0.17	0.8	0.05	0.3
MTV	0.76	3.4	0.24	1.8
NICKELODEON^	1.17^	5.2	0.40	3.1
TBS	0.73	3.3	0.35	2.7
TLC	0.39	1.7	0.26	2.0
TNN	0.33	1.5	0.14	1.0
TNT	0.80	3.6	0.42	3.2
TRAVEL CHANNEL	0.06	0.3	0.00	0.0
VH1	0.30	1.3	0.06	0.4
WEATHER CHAN	0.14	0.6	0.05	0.4
	9.17	40.9	3.91	29.5
Total Encoded TV	22.45	100.0	13.26	100.0

* Share among encoded outlets only; shares calculated on the basis of AQH Persons projections.

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ARB 00933

Philadelphia PPM Outlet - TV
AQH Ratings - Total Day
Total Persons Age 25-54, Entire DMA

PPM Parameters

Start Date: 7/11/02
End Date: 8/7/02
Population: 3,279,800
Avg. Daily
Intab: 534

Broadcast TV

Monday-Sunday	AQH		NMR Meter/Diary	
	Rating	Share*	Rating	Share*
6AM-12MID				
KYW (CBS)	1.91	8.3	1.68	11.2
WCAU (NBC)	2.74	11.9	2.38	15.9
WHYY (PBS)	0.54	2.4	0.35	2.3
WPHL (WB)	1.38	6.0	1.10	7.3
WPPX (PAX)	0.14	0.6	0.13	0.9
WPSG (UPN)	1.20	5.2	0.77	5.1
WPVI (ABC)	3.58	15.5	2.87	19.2
WTFX (FOX)	2.17	9.4	1.39	9.3
WUVP (Univision)	0.22	0.9	0.15	1.0
WWSI (Telemundo)	0.10	0.4	0.00	0.0
	13.98	60.6	10.81	72.3

Cable TV

Monday-Sunday	AQH		NMR Meter/Diary	
	Rating	Share*	Rating	Share*
6AM-12MID				
A&E	0.40	1.7	0.25	1.7
ANIMAL PLANET	0.16	0.7	0.08	0.5
BET	0.30	1.3	0.06	0.4
CN8	0.07	0.3	0.01	0.1
CNN	0.32	1.4	0.17	1.1
COURT TV	0.21	0.9	0.08	0.5
CSN	0.43	1.9	0.20	1.3
DISCOVERY	0.30	1.3	0.13	0.9
ESPN	0.49	2.1	0.20	1.4
ESPN2	0.17	0.8	0.03	0.2
ETV	0.22	0.9	0.11	0.7
FX	0.30	1.3	0.15	1.0
HEADLINE NEW	0.06	0.3	0.01	0.0
HISTORY CHAN	0.31	1.3	0.12	0.8
LIFETIME	0.72	3.1	0.57	3.8
MSNBC	0.20	0.9	0.06	0.4
MTV	0.50	2.2	0.14	1.0
NICKELODEON^	1.16^	5.0	0.39	2.6
TBS	0.70	3.0	0.40	2.7
TLC	0.43	1.9	0.26	1.8
TNN	0.32	1.4	0.13	0.9
TNT	0.85	3.7	0.50	3.3
TRAVEL CHANNEL	0.06	0.3	0.01	0.0
VH1	0.25	1.1	0.05	0.3
WEATHER CHAN	0.16	0.7	0.05	0.4
	9.09	39.4	4.15	27.7
Total Encoded TV	23.07	100.0	14.96	100.0

* Share among encoded outlets only; shares calculated on the basis of AQH Persons projections.

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ARB 00934

Philadelphia PPM Outlet - TV
AQH Ratings - Total Day
Total Persons Age 35-54, Entire DMA

PPM Parameters

Start Date: 7/11/02
End Date: 8/7/02
Population: 2,289,700
Avg. Daily
Intab: 398

Broadcast TV

Monday-Sunday	AQH		NMR Meter/Diary	
	Rating	Share*	Rating	Share*
6AM-12MID				
KYW (CBS)	2.17	9.1	1.97	12.4
WCAU (NBC)	2.97	12.5	2.58	16.3
WHYY (PBS)	0.55	2.3	0.40	2.5
WPHL (WB)	1.23	5.2	1.07	6.7
WPPX (PAX)	0.14	0.6	0.16	1.0
WPSG (UPN)	1.13	4.7	0.82	5.2
WPVI (ABC)	3.91	16.4	3.17	20.0
WTFX (FOX)	2.16	9.1	1.32	8.4
WUVP (Univision)	0.21	0.9	0.16	1.0
WWSI (Telemundo)	0.10	0.4	0.00	0.0
	14.56	61.2	11.66	73.5

Cable TV

Monday-Sunday	AQH		NMR Meter/Diary	
	Rating	Share*	Rating	Share*
6AM-12MID				
A&E	0.44	1.8	0.30	1.9
ANIMAL PLANET	0.15	0.6	0.08	0.5
BET	0.22	0.9	0.06	0.4
CN8	0.08	0.3	0.02	0.1
CNN	0.39	1.6	0.14	0.9
COURT TV	0.24	1.0	0.08	0.5
CSN	0.44	1.8	0.21	1.3
DISCOVERY	0.32	1.3	0.15	1.0
ESPN	0.44	1.9	0.19	1.2
ESPN2	0.16	0.7	0.03	0.2
ETV	0.21	0.9	0.12	0.7
FX	0.30	1.2	0.17	1.0
HEADLINE NEW	0.07	0.3	0.01	0.1
HISTORY CHAN	0.35	1.5	0.14	0.9
LIFETIME	0.80	3.4	0.58	3.7
MSNBC	0.22	0.9	0.08	0.5
MTV	0.38	1.6	0.11	0.7
NICKELODEON^	1.22^	5.1	0.36	2.3
TBS	0.72	3.0	0.42	2.6
TLC	0.42	1.8	0.22	1.4
TNN	0.31	1.3	0.11	0.7
TNT	0.90	3.8	0.53	3.3
TRAVEL CHANNEL	0.07	0.3	0.01	0.0
VH1	0.20	0.8	0.04	0.2
WEATHER CHAN	0.18	0.8	0.06	0.4
	9.22	38.8	4.21	26.5
Total Encoded TV	23.78	100.0	15.86	100.0

* Share among encoded outlets only; shares calculated on the basis of AQH Persons projections.

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ARB 00935

Philadelphia PPM Outlet - TV
AQH Ratings - Total Day
Total Persons Age 50+, Entire DMA

PPM Parameters

Start Date: 7/11/02
End Date: 8/7/02
Population: 2,253,256
Avg. Daily
Intab: 414

Broadcast TV

Monday-Sunday	AQH		NMR Meter/Diary	
	Rating	Share*	Rating	Share*
6AM-12MID				
KYW (CBS)	4.11	13.0	3.77	16.0
WCAU (NBC)	3.53	11.2	3.59	15.3
WHYY (PBS)	0.83	2.6	0.66	2.8
WPHL (WB)	1.06	3.4	0.66	2.8
WPPX (PAX)	0.44	1.4	0.39	1.6
WPSG (UPN)	1.39	4.4	0.92	3.9
WPVI (ABC)	7.40	23.4	6.16	26.2
WTFX (FOX)	2.01	6.4	1.45	6.2
WUVP (Univision)	0.55	1.7	0.08	0.3
WWSI (Telemundo)	0.11	0.4	0.00	0.0
	21.44	67.8	17.69	75.2

Cable TV

Monday-Sunday	AQH		NMR Meter/Diary	
	Rating	Share*	Rating	Share*
6AM-12MID				
A&E	0.85	2.7	0.53	2.3
ANIMAL PLANET	0.18	0.6	0.09	0.4
BET	0.18	0.6	0.05	0.2
CN8	0.10	0.3	0.02	0.1
CNN	0.79	2.5	0.51	2.2
COURT TV	0.34	1.1	0.11	0.5
CSN	0.80	2.5	0.45	1.9
DISCOVERY	0.40	1.3	0.16	0.7
ESPN	0.54	1.7	0.33	1.4
ESPN2	0.20	0.6	0.06	0.3
ETV	0.21	0.7	0.05	0.2
FX	0.23	0.7	0.13	0.5
HEADLINE NEW	0.11	0.4	0.01	0.0
HISTORY CHAN	0.55	1.7	0.25	1.1
LIFETIME	0.96	3.0	1.13	4.8
MSNBC	0.36	1.1	0.20	0.8
MTV	0.14	0.5	0.02	0.1
NICKELODEON^	0.48^	1.5	0.22	1.0
TBS	0.73	2.3	0.46	1.9
TLC	0.31	1.0	0.20	0.9
TNN	0.22	0.7	0.08	0.4
TNT	1.01	3.2	0.66	2.8
TRAVEL CHANNEL	0.05	0.2	0.02	0.1
VH1	0.10	0.3	0.01	0.0
WEATHER CHAN	0.31	1.0	0.11	0.5
	10.17	32.2	5.85	24.8
Total Encoded TV	31.61	100.0	23.53	100.0

* Share among encoded outlets only; shares calculated on the basis of AQH Persons projections.

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ARB 00936

Philadelphia PPM Outlet - TV
AQH Ratings - Total Day
Total Persons Age 55+, Entire DMA

PPM Parameters

Start Date: 7/11/02
 End Date: 8/7/02
 Population: 1,747,000
 Avg. Daily
 Intab: 317

Broadcast TV

Monday-Sunday	AQH		NMR Meter/Diary	
	Rating	Share*	Rating	Share*
6AM-12MID				
KYW (CBS)	4.51	13.6	4.10	16.3
WCAU (NBC)	3.75	11.2	3.65	14.5
WHYY (PBS)	0.91	2.7	0.76	3.0
WPHL (WB)	1.02	3.0	0.71	2.8
WPPX (PAX)	0.52	1.6	0.42	1.7
WPSG (UPN)	1.42	4.3	0.91	3.6
WPVI (ABC)	8.28	24.9	6.77	26.9
WTFX (FOX)	1.94	5.8	1.44	5.7
WUVP (Univision)	0.61	1.8	0.08	0.3
WWSI (Telemundo)	0.09	0.3	0.00	0.0
	23.04	69.2	18.84	74.9

Cable TV

Monday-Sunday	AQH		NMR Meter/Diary	
	Rating	Share*	Rating	Share*
6AM-12MID				
A&E	0.85	2.6	0.57	2.3
ANIMAL PLANET	0.19	0.6	0.09	0.4
BET	0.15	0.4	0.06	0.2
CN8	0.10	0.3	0.02	0.1
CNN	0.91	2.7	0.59	2.3
COURT TV	0.31	0.9	0.12	0.5
CSN	0.90	2.7	0.51	2.0
DISCOVERY	0.40	1.2	0.17	0.7
ESPN	0.55	1.6	0.38	1.5
ESPN2	0.22	0.6	0.08	0.3
ETV	0.23	0.7	0.05	0.2
FX	0.20	0.6	0.09	0.4
HEADLINE NEW	0.13	0.4	0.01	0.0
HISTORY CHAN	0.60	1.8	0.28	1.1
LIFETIME	0.96	2.9	1.25	5.0
MSNBC	0.39	1.2	0.23	0.9
MTV	0.11	0.3	0.01	0.0
NICKELODEON^	0.49^	1.5	0.20	0.8
TBS	0.72	2.1	0.48	1.9
TLC	0.26	0.8	0.22	0.9
TNN	0.18	0.6	0.07	0.3
TNT	0.96	2.9	0.69	2.7
TRAVEL CHANNEL	0.05	0.2	0.03	0.1
VH1	0.08	0.2	0.00	0.0
WEATHER CHAN	0.33	1.0	0.12	0.5
	10.27	30.8	6.31	25.1
Total Encoded TV	33.31	100.0	25.15	100.0

* Share among encoded outlets only; shares calculated on the basis of AQH Persons projections.

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The outlets and all their components were properly encoding their signal for 100% of the days in this survey period, unless otherwise noted.

^ Nickelodeon was properly encoding its signal for 80-99% of the days in this survey period. Estimates include all days in this survey period, both properly encoding days and days the outlet or one and/or all of its components was not properly encoded.

ARB 00937

EXHIBIT “8”



Media Outlets Encoding

Following is a list of the outlets, sorted by media type, that are encoding their signals. The percentage of time properly encoding during the April-August 2002 survey period (March 28 – September 4) impacts their inclusion in the estimates (see "Reporting Criteria").

Cable Outlet Name	Percent of Time Encoding					
	April (3/28-4/24)	May (4/25-5/22)	June (5/30-6/26)	July (7/11-8/7)	August (8/8-9/4)	Outside of Survey Periods
A&E	100%	100%	100%	100%	100%	100%
Animal Planet	<80%	<80%	100%	100%	100%	100%
BET	100%	100%	100%	100%	100%	100%
CN8	100%	100%	100%	100%	100%	100%
CNN	100%	100%	100%	100%	100%	100%
Court TV	<80%	100%	100%	100%	100%	100%
CSN	100%	100%	100%	100%	100%	100%
Discovery	100%	100%	100%	100%	100%	100%
E! Entertainment	100%	100%	100%	100%	100%	100%
ESPN	100%	100%	100%	100%	<80%	100%
ESPN2	100%	100%	100%	100%	100%	100%
FX	100%	100%	100%	100%	100%	100%
Golf Channel	<80%	<80%	<80%	<80%	100%	<80%
Headline News	100%	100%	100%	100%	100%	100%
History Channel	100%	100%	100%	100%	100%	100%
Lifetime	100%	100%	100%	100%	100%	100%
MSNBC	100%	100%	100%	100%	100%	100%
MTV	100%	100%	100%	100%	100%	100%
NICK	100%	100%	100%	80-99%	100%	100%
TBS	100%	100%	<80%	100%	100%	100%
TLC	<80%	<80%	<80%	100%	100%	100%
TNN	100%	100%	100%	100%	100%	100%
TNT	100%	100%	100%	100%	100%	100%
Travel Channel	<80%	<80%	<80%	100%	100%	100%
VH1	100%	100%	100%	100%	100%	100%
Weather Channel	100%	100%	100%	100%	100%	100%

Reporting Criteria

100%

The outlets and all of their components were properly encoding their signal for 100% of the days in this survey period.

80-99%

This outlet or one and/or all of its components was properly encoding its signal for 80-99% of the days in the selected survey period. Estimates include all days in the selected survey period, both properly encoding days and days the outlet or one and/or all of its components was not properly encoded.

<80%

This outlet or one and/or all of its components was properly encoding its signal for less than 80% of the days in the selected survey period and therefore did not meet reporting criteria. No estimates are provided.

When an outlet or one and/or all of its components is properly encoding its signal for less than 80% of the selected survey period, no estimates are provided. All exposures to the outlet are counted, however, and will be included in the determination of Persons Using Measured Media (PUMM). As a result, a user may note that total AQH and PUMM do not always match.

PUMM

PUMM numbers for the July survey period may have changed slightly due to updates as a result of newly encoded stations.

Television Outlet Name	Percent of Time Encoding					
	April (3/28-4/24)	May (4/25-5/22)	June (5/30-6/26)	July (7/11-8/7)	August (8/8-9/4)	Outside of Survey Periods
KYW-TV CBS	100%	100%	100%	100%	100%	100%
WCAU-TV NBC	100%	100%	100%	100%	100%	100%
WGTW-TV Ind.	<80%	<80%	<80%	<80%	100%	<80%
WHYY-TV PBS	80-99%	100%	100%	100%	100%	100%
WPHL-TV WB	100%	100%	100%	100%	100%	100%
WPPX-TV Pax	100%	100%	100%	100%	100%	100%
WPSG-TV UPN	100%	100%	100%	100%	100%	100%
WPVI-TV ABC	100%	100%	100%	100%	100%	100%
WTFX-TV Fox	100%	100%	100%	100%	100%	100%
WUVP-TV Univision	100%	100%	100%	100%	100%	100%
WWSI-TV Telemundo	100%	100%	100%	100%	100%	100%

Television Ranker

Time Period: Th-We 5A-5A
 Survey: April 02 (3/28-4/24) - Dates In (03/28/2002 to 04/24/2002)
 Target: P 6+
 Geography: Philadelphia-DMA
 Population: 7005200
 In-Tab: 1083
 Percent of Population: 100.0

Station	Th-We 5A-5A	Rating	Shr%	AVG Daily Cum%	AVG Daily Cum#	Th-We 5A-5A	Rating	Shr%	AVG Daily Cum%	AVG Daily Cum#	Th-We 5A-5A	Rating	Shr%	AVG Daily Cum%	AVG Daily Cum#	Th-We 5A-5A	Rating	Shr%	AVG Daily Cum%	AVG Daily Cum#
WPHL-TV	Th-We 5A-5A	1.4	6.0	26.9	1881939	Th-We 5A-5A	1.4	6.0	26.9	1881939	Th-We 5A-5A	1.4	6.0	26.9	1881939	Th-We 5A-5A	1.4	6.0	26.9	1881939
WB	n.a.					n.a.					n.a.					n.a.				
WPSG-TV	Th-We 5A-5A	1.3	5.5	23.0	1610129	Th-We 5A-5A	1.3	5.5	23.0	1610129	Th-We 5A-5A	1.3	5.5	23.0	1610129	Th-We 5A-5A	1.3	5.5	23.0	1610129
UPN	n.a.					n.a.					n.a.					n.a.				
WUVP-TV	Th-We 5A-5A	1.3	5.5	23.0	1610129	Th-We 5A-5A	1.3	5.5	23.0	1610129	Th-We 5A-5A	1.3	5.5	23.0	1610129	Th-We 5A-5A	1.3	5.5	23.0	1610129
UNI	n.a.					n.a.					n.a.					n.a.				
WWSI-TV	Th-We 5A-5A	1.3	5.5	23.0	1610129	Th-We 5A-5A	1.3	5.5	23.0	1610129	Th-We 5A-5A	1.3	5.5	23.0	1610129	Th-We 5A-5A	1.3	5.5	23.0	1610129
TEL	n.a.					n.a.					n.a.					n.a.				
WHYY-TV	Th-We 5A-5A	1.3	5.5	23.0	1610129	Th-We 5A-5A	1.3	5.5	23.0	1610129	Th-We 5A-5A	1.3	5.5	23.0	1610129	Th-We 5A-5A	1.3	5.5	23.0	1610129
PBS	n.a.					n.a.					n.a.					n.a.				
WPPX-TV	Th-We 5A-5A	1.3	5.5	23.0	1610129	Th-We 5A-5A	1.3	5.5	23.0	1610129	Th-We 5A-5A	1.3	5.5	23.0	1610129	Th-We 5A-5A	1.3	5.5	23.0	1610129
PAX	n.a.					n.a.					n.a.					n.a.				
WCAU-TV	Th-We 5A-5A	1.3	5.5	23.0	1610129	Th-We 5A-5A	1.3	5.5	23.0	1610129	Th-We 5A-5A	1.3	5.5	23.0	1610129	Th-We 5A-5A	1.3	5.5	23.0	1610129
NBC	Th-We 5A-5A	1.3	5.5	23.0	1610129	Th-We 5A-5A	1.3	5.5	23.0	1610129	Th-We 5A-5A	1.3	5.5	23.0	1610129	Th-We 5A-5A	1.3	5.5	23.0	1610129

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Television Ranker

Time Period: Th-We 5A-5A

Population: 7005200

Survey: April 02 (3/28-4/24) - Dates In (03/28/2002 to 04/24/2002)

In-Tab: 1083

Target: P 6+

Percent of Population: 100.0

Geography: Philadelphia-DMA

Rank	Station	Th-We 5A-5A n.a.	Rating In-Tab	Shr% In-Tab	AVG Daily Cume% AVG Daily Cume#	38.4 2686673
1	WGTV-TV	Th-We 5A-5A n.a.	45.9 3217221	48.7 341012	44.3 3100587	38.4 2686673
2	IND	Th-We 5A-5A n.a.	**	**	**	1087
3	WTFX-TV	Th-We 5A-5A n.a.	**	**	**	0.3
4	FOX	Th-We 5A-5A n.a.	**	**	**	1.2
5	KYW-TV	Th-We 5A-5A n.a.	**	**	**	8.1
6	CBS	Th-We 5A-5A n.a.	**	**	**	570918
7	WPVI-TV	Th-We 5A-5A n.a.	**	**	**	1087
8	ABC	Th-We 5A-5A n.a.	**	**	**	1.8
9			1.8 7.9	1.9 8.1	1.7 7.7	1.8 8.2
10			34.4 247616	35.3 280051	33.2 2326030	35.1 2457662
11			1083 2407038	1099 247616	1134 2326030	1087 2457662
12			2.3 1083	2.5 1099	2.1 1134	2.3 1087
13			10.1 2761328	10.5 280051	9.4 2570036	10.0 2664159
14			39.4 1083	40.0 1099	36.7 1134	38.0 1087
15			3.9 1083	3.9 1099	3.7 1134	3.6 1087
16			17.1 51.4	16.6 51.2	16.6 3416460	16.1 3430426
17			51.4 3598660	51.2 3598660	48.8 3416460	49.0 3430426
18			1083 1083	1099 1099	1134 1134	1087 1087

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Television Ranker

Time Period: Th-We 5A-5A

Survey: April 02 (3/28-4/24) - Dates In(03/28/2002 to 04/24/2002)

Target: P 6+

Geography: Philadelphia-DMA

Population: 7005200

In-Tab: 1083

Percent of Population: 100.0

PROJECT NAME		DATE		TIME		LOCATION		EQUIPMENT		OPERATOR		REMARKS	
5MVA	AVG Daily Current	62.2	68.0	62.7	68.6	61.4	64.9	58.5	63.9	58.05	63.5	58.05	63.5
5MVA	AVG Daily Current	66.9	68.1	64.6	68.3	61.4	64.9	58.5	63.9	58.05	63.5	58.05	63.5
5MVA	AVG Daily Current	60.8/64	61.7/65	59.2/60.2	58.05/61	58.05	63.5	58.05	63.5	58.05	63.5	58.05	63.5
5MVA	AVG Daily Current	60.8	68.0	61.4	68.6	61.4	64.9	58.5	63.9	58.05	63.5	58.05	63.5

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The outlets and all of their components were properly encoding their signal for 100% of the days in this time is strictly prioritized.

days in the selected survey period and therefore did not meet reporting criteria. No estimates are provided.

* This analysis can not be provided due to less than 30 intab. Estimates based on a sample size of less than 30 are considered unstable.

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PPM Data

PORTABLE PEOPLE METER

ARB 01008

ARBITRON

Page:

EXHIBIT “9”

Subject: Update from Arbitron on the Portable People Meter

At the Arbitron Radio Advisory Council Meeting that is being held near Los Angeles, Arbitron is outlining its current plans for the development of the Portable People Meter. I am sending you this email to give you the same information we are sharing with the representatives of our radio station customers.

As we move forward with the development of the Portable People Meter, there are a number of factors that are guiding our decisions:

- The radio industry has asked for more time and more information in their evaluation of our new audience measure technology
- Both Arbitron and Nielsen wish to pursue additional research with the goal of improving response rates
- The television industry has requested additional research and development

While we are constantly fine-tuning the optimum development schedule, Arbitron's commitment to the Portable People Meter has not wavered. We are also determined to fulfill the goals and objectives of the research program that we announced to the industry in July. We remain steadfast in our commitment to:

- A side by side test of the PPM using "twin" panels
- A test of the PPM in an Hispanic market
- Other research initiatives such as an economic impact study, and examination of morning drive, additional lifestyle research, engineering tests and a dual television meter panel test
- Our joint venture with Nielsen Media Research
- And ultimately, deployment of the PPM to measure radio and television audiences in local markets in the United States.

After running the current ratings panel in Philadelphia for close to a year, it is time to move on to the next stage of research and testing. Here's a summary of our planned next steps in the Portable People Meter development program.

Throughout the first half of 2003, we will carry out a series of methods tests and research in Philadelphia. These tests will include in-panel coincidental research to investigate among other things, the early morning use of PPM. We will also test a number of marketing research applications of PPM as well as mount a major response rate test with 200 new households or 450 persons. The response rate research includes a test of a new sample design that will allow us to determine the impact of higher response rates on compliance, ratings, and cost.

Changing the focus of our efforts in Philadelphia means that, after the conclusion of the Fall 2002 radio survey and the November 2002 television survey, Arbitron will no

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P.04

longer use the current Philadelphia panel to produce regular releases of "currency-type" radio and television audience ratings which can be compared to existing audience measures. (Note that the release PPM ratings from the fourth quarter of 2002 will take place into the first quarter of 2003.)

The timing and sequence of events for the second half of 2003 depend on a number of factors: the success of our response rates research, a satisfactory outcome from lifestyle research, television-related research, continued support of radio broadcasters, broadcast and cable television outlets, agencies and advertisers, and meaningful progress on Nielsen joint venture discussions.

Once we refine the PPM sampling methodology through our response rate research, we plan to use that methodology to build the first of the twin panels in the second half of 2003 and the second of the twin panels in the first half of 2004.

We have not yet decided if we will stage the twin panels in Philadelphia or in a different market, one with a significant Hispanic population. Using a Hispanic market for the twin panel test would allow us to integrate the Hispanic research test and the twin panel test into a single coordinated effort. There is also a possibility that the Hispanic test will be conducted independently of the twin panel test. Of course, Nielsen will participate in these decisions, which we hope we can make by the end of the first half of 2003.

With all the additional research that will have preceded the deployment of the twin panels, we are confident that these panels will demonstrate the validity and utility of the Portable People Meter for once and for all. Whether in Philadelphia or in another market, the twin panels could well be the foundation on which we build the first PPM market in the commercial deployment of the Portable People Meter in the United States.

To make that a reality, we know we have a lot to do to win the support of broadcasters, agencies and advertisers as well as secure the participation of our potential joint venture partner, Nielsen Media Research. You can count on us to redouble our efforts to bring the industry this significant improvement in the quality of media research.

EXHIBIT “10”

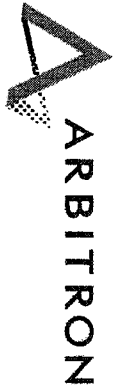
PORTABLE PEOPLE METER



Summary of Results to Date and Arbitron's Strategic Plans

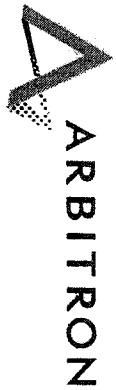
ARBITRON
May 20, 2002

ARB 00634



Presentation Agenda

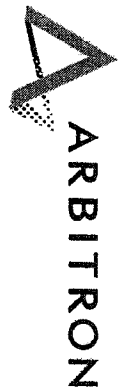
- Arbitron's Vision of the Future & the need for the PPM System
- Portable People Meter (PPM) System Overview Technology, Encoding, Panelist Communication Program
- Wilmington (2001) Results Panel cooperation & compliance, Radio & TV AQH Rating comparisons, Arbitron Learnings, Conclusions
- Philadelphia (2002) Marketwide Roll-out Deployment Plans, Outlet Level release schedule, PPM Application
- Arbitron's Long Term Strategic Plan



• **Our Vision of Future and the Role of PPM**

- TV viewing will be increasingly outside the home
- TV viewing is highly personal: Households are less relevant
- Proliferation of media appliances will continue
- Explosion of media choices combined with consolidation of ownership suggests need for single-source multimedia measurement

Enter: PPM

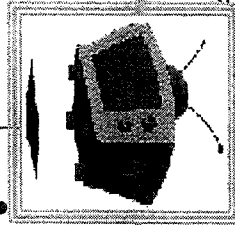


ARBITRON PPM

• Critical Development Milestones

- 1990 Arbitron creates Advanced Media Measurement Lab
- 1992 First PPM Prototype invented at Arbitron
- 1994-1997 25 Technology tests
- 1998-2000 Manchester, UK 300 panel
- 2001 Wilmington, DE 300 panel
- 2002 Phila. PPM Panel is installed

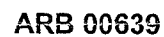
ARB 00637



The PPM Television Report Card

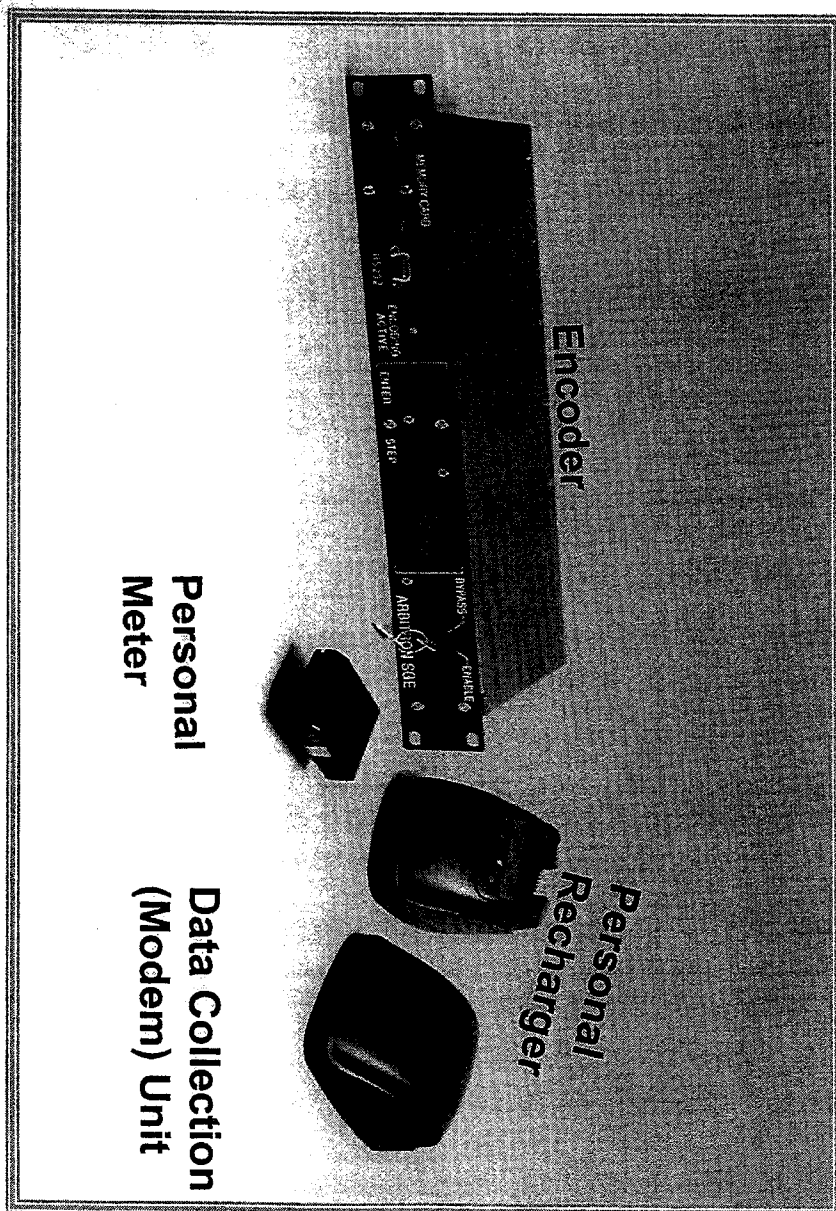
- **Reliable, Unbiased Local market Information**
- **Personal**
Personal Media Monitor
Demonstrated higher ratings for men and younger demos
- **Portable**
Capture the elusive out of home exposure
- **Passive**
Complete record of exposures
- **Single source multimedia**
Cross platform selling
Cross media promotion
- **Robust sample sizes**
For more precise targeting

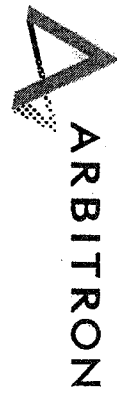
ARB 00638





Current Generation PPM Hardware





PPM Panelists' Delivery Package



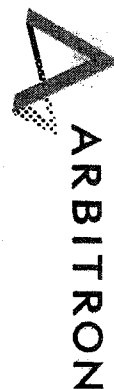
ARB 00641



Panelist Communication Program



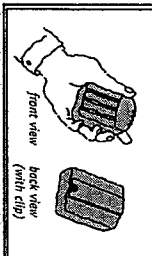
ARB 00642



Panelist "Three Compliance Rules"

Keep Your Meter with You

There are three simple parts:



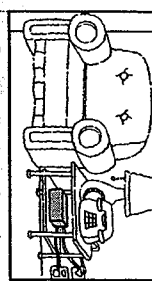
1 A Personal Meter is given to each member of your household six years old or older. You simply wear or keep your Personal Meter with you wherever you go. It picks up a special silent signal broadcast with the radio and TV transmissions. The Personal Meter can be clipped to your belt, another piece of clothing or a purse, or worn in a variety of other convenient ways.

Keep the Green Light On.



2 A Personal Meter Recharging Unit is placed in the bedroom of each household member. This unit recharges the Personal Meter and collects your listening and viewing information. When you go to bed, you'll place the Personal Meter into its recharging unit so all your radio listening and TV viewing will be counted every day. This unit also lets us know how many hours you wore your Personal Meter that day. This lets you earn points which equal cash gifts!

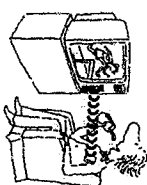
Recharge your meter at Bedtime



3 The Collection Unit sends your household's information to Arbitron's main collection computer through a special toll-free telephone line once each day. The whole process takes only a few seconds late at night, so you won't even know it's happening. Your household's information is combined with data from many other households for a total picture of what's being listened to and watched in your area.

That's all you need to do!

Keep the Personal Meter with you:



At home



In your car

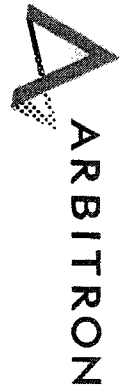


At work



Even on a picnic

Note! PPM keeps working while in the dock or at rest.



Wilmington PPM 2001

Objectives

- Would sixty plus Radio, Broadcast TV & Cable TV media outlets encode their signal?
- Would the PPM technology work as planned?
- Could we recruit and retain a representative panel?
- Would the panel members comply and cooperate?
- Would the ratings results make sense in explaining similarities & differences in results with both of the existing Arbitron & Nielsen Services?



- **Wilmington PPM 2001**
Media Outlet Cooperation

- **68 Media Outlets Encoded**
 - » All 38 radio stations online
 - » All 8 local TV stations online
 - » 22 of 25 Cable Networks online



Wilmington PPM 2001

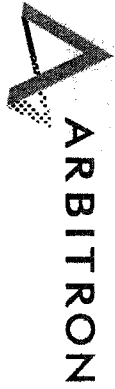
Panel Results

300 Person Panel installed on 3/19/01

63% Telephone enumeration completion rate

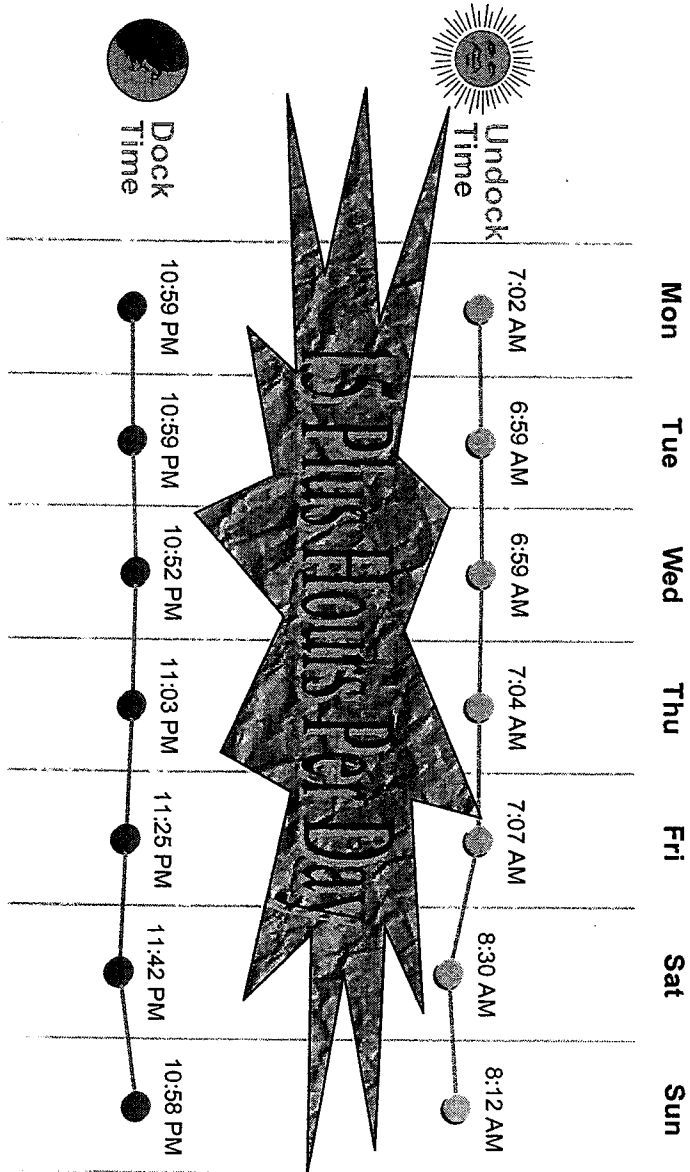
45% Recruitment agree rate

84% Self-install success rate



Wilmington PPM 2001

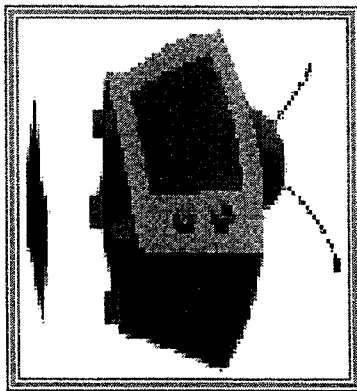
Undocking and Docking Times were consistent for weekdays & weekends



October 2001, All Qualified Panelists, Median Times

TV Estimate Comparisons

Wilmington March-October 2001

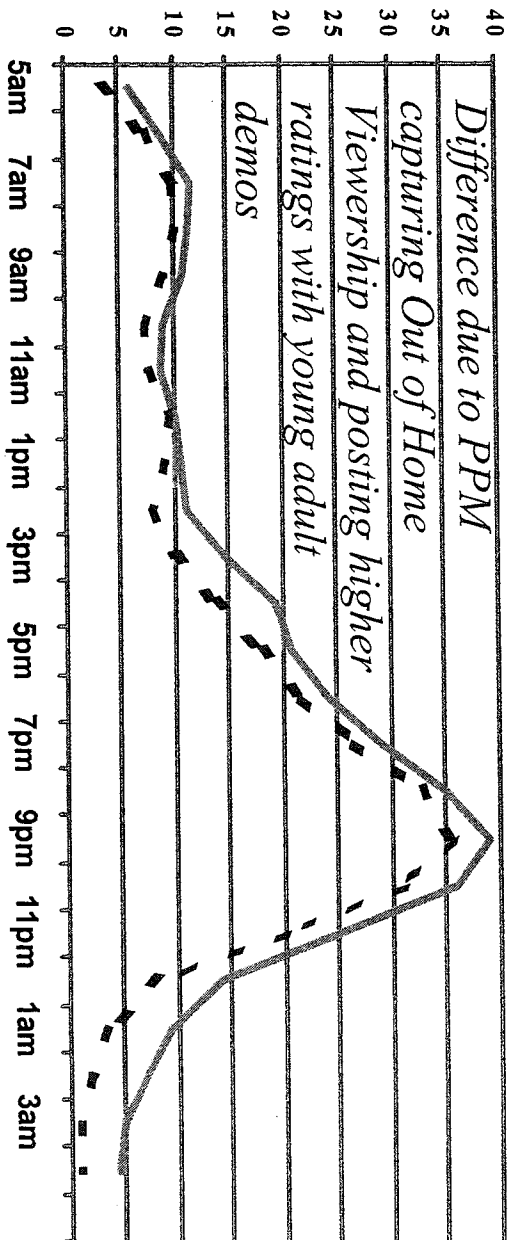


ARBITRON

ARB 00648



Wilmington PPM 2001 **October Hour-by-Hour TV AQH PUT** **Ratings for Encoded Outlets**



PPM - - - Nielsen Phil DMA
Wilmington Metro (PPM) and Nielsen Philadelphia DMA
Persons 6+, October 2001, Monday-Sunday, 5am-5am
Local Broadcast and Cable TV combined

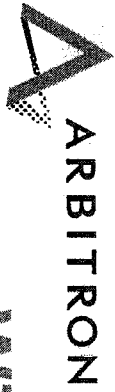


Wilmington PPM 2001

*PPM and Existing AQH Ratings for
Encoded Outlets - May, July & October*

Persons 12+, Mon-Sun, Midnight-Midnight

	May-01		Jul-01		Oct-01	
AQH %	PPM	Existing	PPM	Existing	PPM	Existing
Radio	9.1	9	10.3	10.1	9.5	8.9
Broadcast	11.9	10.9	9.9	8.8	11.5	11.3
Cable TV	2.1	1	4.6	2.1	4.6	2
Combined	23.1	20.9	24.8	21	25.6	22.2

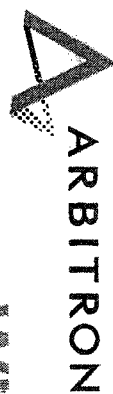


Wilmington PPM 2001

PPM Shows Higher PUT Ratings for Men, Women & Key Demo Groups vs. Existing TV Method

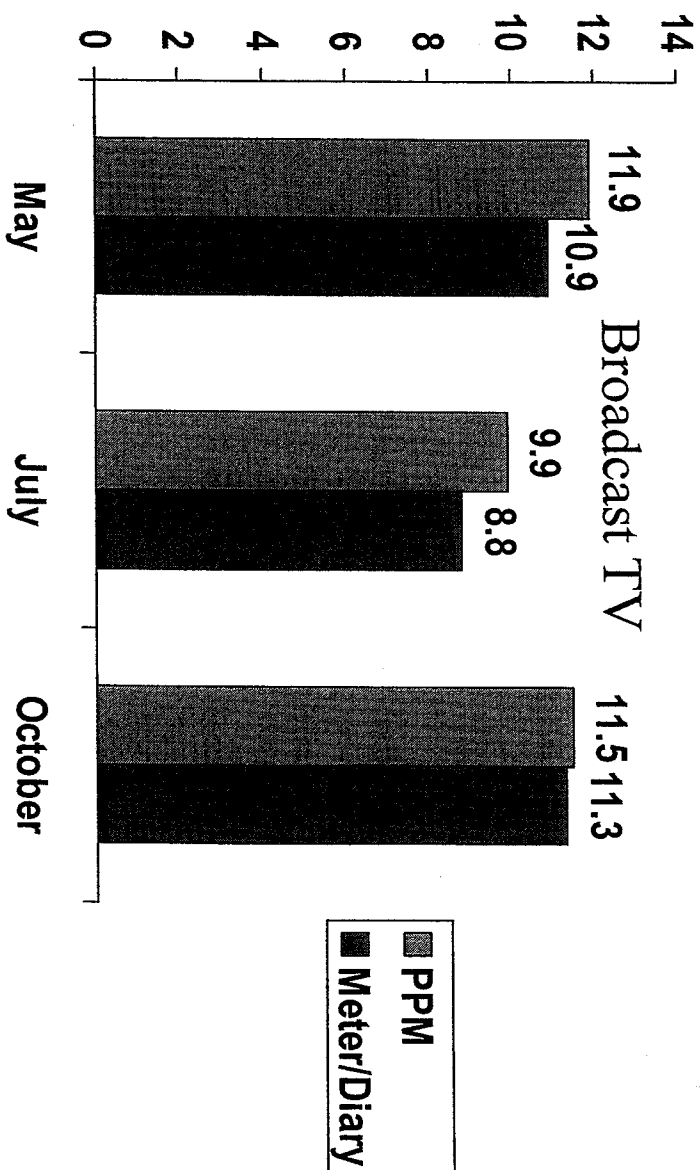
DEMO	PPM	Nielsen
6-17	9.6	5.1
18-34	11.5	8.7
35-54	12.5	11.2
55+	21.4	18.4
Men 18+	14.4	10.5
Women 18+	14.9	14.5

AQH PUT, May 2001, Monday-Sunday, Mid-Mid

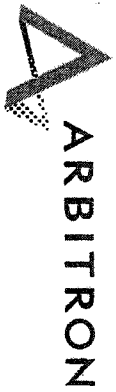


Wilmington PPM 2001

● PPM vs Meter-Diary Estimates
Average Quarter Hour Ratings



12+, Mon-Sun, 0000-0000



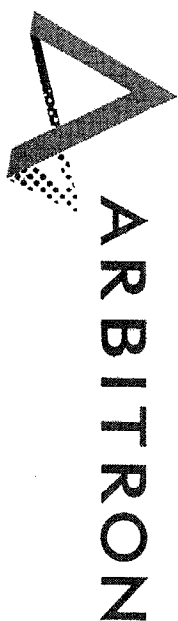
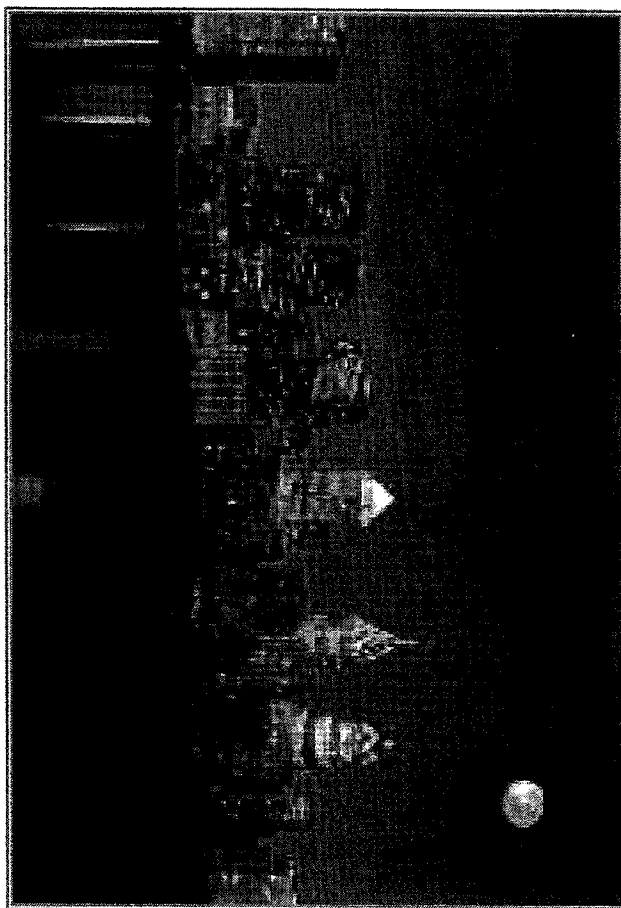
Wilmington PPM 2001

Conclusions

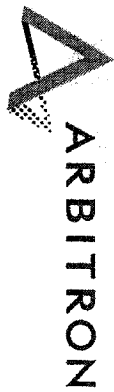
- Media outlets encoded
- Consumers cooperated, with no evidence of panel fatigue
- Ratings results made sense and trended over three major comparison periods
- Plans are in place to improve HH cooperation rates
- Media data editing rules are simple, logical
- Commence Philadelphia DMA Deployment 1/1/02

Philadelphia

DMA Roll-Out 2002



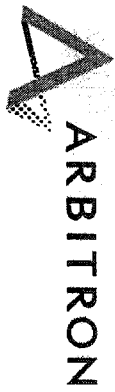
ARB 00654



Philadelphia Marketwide Roll-out Panel Targets

- Telephone enumeration completion rate (70%)
- Recruitment agree rate (50%)
- Self-install success rate (90%)
- The overall goal is a bona-fide household response rate through installation above 30% -- which is an excellent level by historical meter panel standards.

ARB 00655

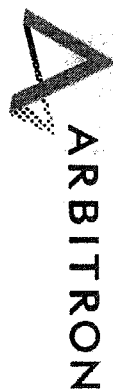


Philadelphia Marketwide Rollout

Built 1500 Person Panel in Three Months

- Panel Installation Benchmarks
- January 31 769 P6+ panelists
- February 18 1100 P6+ panelists
- March 31 1500 P6+ panelists

ARB 00656

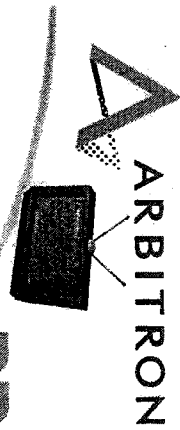


Phila. DMA Panel Performance

(as of 04/01/02)

Control Variable Classes	Installed	%	% Diff off Universe	Universe Estimate
Adlts Emp FT: 0	196	29%	-0.5	30%
Adlts Emp FT: 1	264	40%	0.7	39%
Adlts Emp FT: 2+	208	31%	0.3	31%
Nmbr TVs: 0-1	145	22%	0.7	22%
Nmbr TVs: 2-3	373	56%	2.1	54%
Nmbr TVs: 4+	150	23%	-1.4	24%
Ethnicity: Black	109	16%	-0.5	17%
Ethnicity: Hispanic	32	5%	-0.4	5%
Ethnicity: Other	527	79%	0.9	78%
Rcptn Type: Cable/Sat	579	87%	-0.2	87%
Rcptn Type: W/out Cable/Sat	89	13%	0.2	14%

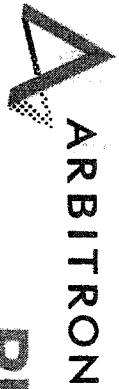
ARB 00657



• **PPM PHILADELPHIA TV REPORT**
First Station-level Estimates
(Feb 28 - March 27, 2002)

- Formal Release to Market Tuesday May 21
- Results are consistent with previous PPM releases
- Television AQH full week ratings are higher than comparable meter/diary estimates.

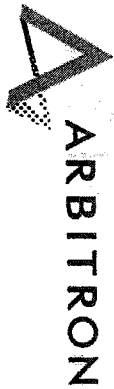
ARB 00658



PPM Philadelphia DMA

TV Data Release Schedule

- **April:** First Phila. release to outlets
Distribution by medium, broad dayparts, limited demos
- **May :** March Sweep, February 28-March 27
Station Level, multiple Dayparts & Demos, comparable NMR data: Excel delivery.
- **June:** May Sweep, April 25- May 22
Station Level, standard Dayparts & Demos, hourly breakouts, comparable NMR data: Excel delivery. First release to agencies is 4 weeks after release to stations
- **June:** PPM Analytic tool delivered
- **July->:** Monthly data releases.
Data available via Arbitron Analytic Tool Third Party Processors.

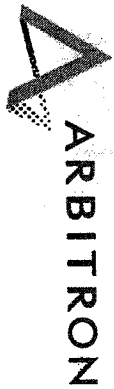


PPM Philadelphia DMA

TV Data & Analytic Tools Release Plans

- Daily Overnights
- Multi-Media Ratings, Share, Cume Information
 - Radio,*
 - Cable Networks*
 - Broadcast Stations*
- Local Multi-Media Optimizer
- MediaData Integration with Retail Monitor

ARB 00660



Local Broadcast TV

Business Opportunities from PPM Insights

- **Reliable Multi-Media information**
Should positively impact Client packaging, News & Syndie Show promotion, Programming Decisions and Station Marketing
- **Increase Involvement with Advertisers**
Marketing opportunities with single source measurement of TV linked to other media: Streamed/Internet usage, Actual Retail traffic via In Store Audio Services, Outdoor
- **Improved Audience Analytics**
Tracking audience flow and multi-media reach & frequency of campaigns
- **Cross platform packaging options**

ARB 00661



Improved Measurement will benefit our collective businesses

- 1- Consistent sample frame with a more stable universe for posting = fewer make-goods, and more inventory to sell.
- 2- Passive measurement means unbiased results.
- 3- Electronic measurement means finer level of data capture.
- 4- Multi-media data. More efficiently/cost-effectively use radio to promote programming, as well as better understand media habits.

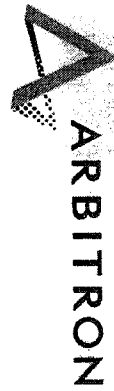
ARB 00662



Improving our collective businesses

- 5- Out-of-home Television measurement means more complete ratings. Especially for sports and other event programming (Football & Baseball games, etc).
- 6- Higher confidence in electronic media. Possibility of higher advertising budgets for TV and Radio.
- 7- Intelligence on Station Primary Viewers should Positively impact Station & Program promotions and Syndicated Program decisions
- 8- User-friendly analysis tool.

ARB 00663



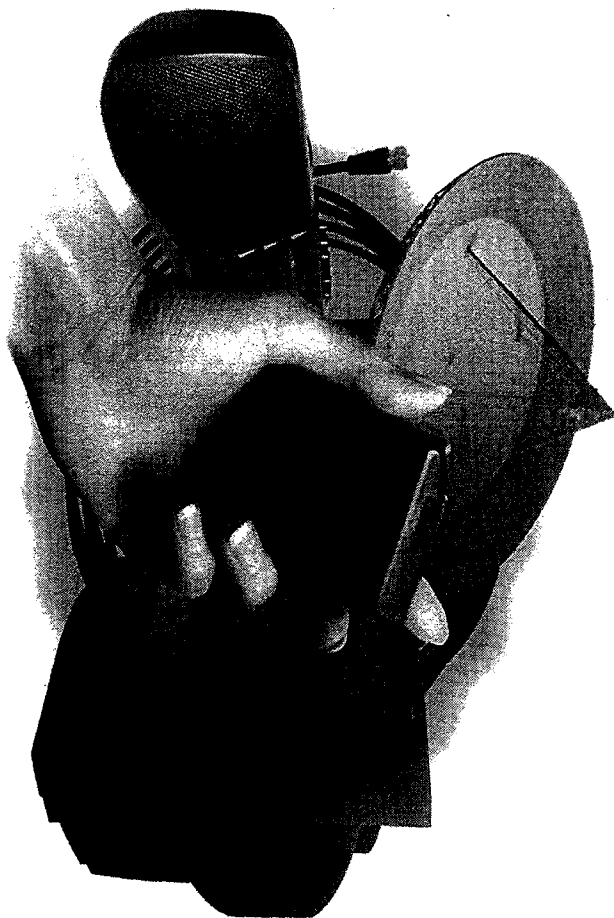
Arbitron PPM Service Long Term Strategic & Deployment Plans

- Contingent with Nielsen JV
Solo means slower deployment
- 3-4 major markets added in 2003
Enumeration to begin 4Q 2002
- Business plan calls for up to 100 markets by
2008

ARB 00664



Thank you!
Your Questions & Comments



ARB 00665

EXHIBIT “11”

COPY

1
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BRUNSON COMMUNICATIONS, : CIVIL ACTION
INCORPORATED :
Plaintiff, :

vs. :

ARBITRON, INCORPORATED :
Defendant : NO. 02-CV-3223

Philadelphia, Pennsylvania
November 7, 2002

Deposition of KEVIN SMITH,
held in the LAW OFFICES of SUGARMAN &
ASSOCIATES, The Robert Morris Building,
100 North 17th Street, 11th Floor, at 12:30
p.m., before Erica Hearn, Professional
Shorthand Reporter and Notary Public.

Certified Shorthand Reporting Services
Arranged Through

DEBRA G. JOHNSON & ASSOCIATES
800 Joshua Court
Moorestown, NJ 08057
1-856-778-1758

FAX 1-856-778-7890
DEBRA G. JOHNSON & ASSOCIATES
856-778-1758 FAX 856-778-7890

2
APPEARANCES:

SUGARMAN & ASSOCIATES
BY: ROBERT SUGARMAN, ESQUIRE
The Robert Morris Building
100 North 17th Street, 11th Floor
Philadelphia, PA 19103

Attorney for Plaintiff

OSTROLENK, FABER, GERB & SOFFEN, LLP
BY: ALFRED R. FABRICANT, ESQUIRE
1180 Avenue of the Americas
New York, NY 10036-8403

Attorney for Defendant

ARBITRON, INCORPORATED
Executive Vice President
Legal & Business Affairs
Chief Legal Officer
BY: DOLORES L. CODY, ESQUIRE
9705 Patuxent Woods Drive
Columbia, MD 21046-1572

In-House Counsel for Arbitron,
Incorporated

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KEVIN SMITH	PAGE
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By Mr. Fabricant	70

EXHIBITS

MARKED	DESCRIPTION	PAGE
P-1	PPM Summary of Results to Date and Arbitron's Strategic Plans	16
P-2	Suggest Next Steps	48
P-3	One page letter (Exhibit P-3 retained by counsel)	64
P-4	5/16/02 Letter	65
P-5	Arbitron Inc. PPM Data Evaluation Agreement	80

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(It is agreed by and between
counsel that sealing, filing and
certification are hereby waived and
all objections, except as to the
form of the question, are reserved
until the time of trial)

KEVIN SMITH, having been
duly sworn, was examined and
testified as follows:

BY MR. SUGARMAN:

Q. Mr. Smith, my name is Robert
Sugarman.

I represent the plaintiff in
this litigation, Brunson Communications,
Incorporated.

You are aware of litigation
against Arbitron, Incorporated, and I am
taking this deposition of you as an
individual, and is he also the designated
representative for Arbitron?

MR. FABRICANT: Let me make
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17

1 you another document marked 634
2 through 665 and I will ask you if
3 you are familiar with that
4 document?
5 THE WITNESS: Yes.
6 MR. SUGARMAN: Is that
7 related to your power point
8 presentation?
9 THE WITNESS: Yes, it is,
10 sir.
11 MR. SUGARMAN: Let's start
12 with that document then.
13 MR. FABRICANT: Do you want
14 to mark that?
15 MR. SUGARMAN: Yes.
16 We will have it marked as
17 Plaintiff's Exhibit 1.
18 MR. SUGARMAN: Can you tell
19 me what Plaintiff's Exhibit 1 is?
20 THE WITNESS: Is that
21 question to me, sir?
22 MR. SUGARMAN: Yes.
23 THE WITNESS: Yes; this is
24 the presentation that was given at
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18

1 the Pennsylvania Association of
2 Broadcasters.
3 MR. SUGARMAN: Who prepared
4 that?
5 THE WITNESS: I prepared the
6 majority of the screens.
7 There are screens or pages
8 that are used by all Arbitron
9 executives in presenting PPM.
10 Since I represent TV and
11 cable, there were some specific
12 screens that I prepared.
13 MR. SUGARMAN: Could you go
14 through it one by one and tell us
15 which screens you prepared?
16 MR. FABRICANT: Do you want
17 him to tell you which screens he
18 did not prepare?
19 MR. SUGARMAN: Either way,
20 which ever is easier for you.
21 MR. FABRICANT: Identify it
22 by the document number at the
23 bottom.
24 THE WITNESS: ARB00647.
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19

1 MR. SUGARMAN: Is one that
2 you did not prepare?
3 THE WITNESS: No; I did
4 prepare this.
5 MR. SUGARMAN: Okay, go
6 ahead.
7 THE WITNESS: 00648.
8 These are the documents I
9 prepared.
10 MR. SUGARMAN: Okay, good.
11 THE WITNESS: 00649, 00650,
12 00654, 00656, 00658, 00659, 00660,
13 00661, 00664, 00665.
14 ---
15 CONTINUATION
16 BY MR. SUGARMAN:
17 Q. What was the meeting on May 20th,
18 2002?
19 A. The meeting was the Pennsylvania
20 Association of Broadcasters, which is an
21 organization comprised of television
22 stations, radio stations, in the State of
23 Pennsylvania.
24 It was their annual.
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20

1 convention or conference held up in Hershey.
2 Q. Were you a scheduled speaker on the
3 agenda?
4 A. Yes.
5 Q. How many people were present at
6 your presentation?
7 A. Approximately, 50.
8 Q. Did you just make the one
9 presentation at that meeting?
10 A. Yes, sir.
11 Q. How did you use your power point in
12 making that presentation?
13 A. It was actually the focal point of
14 my presentation.
15 Are you asking about the
16 format?
17 Q. Let me ask a leading question, as
18 we call them, to make it shorter.
19 You used that as your cue
20 cards that you spoke somewhat
21 extemporaneously; in other words, you did not
22 limit yourself to the words on those
23 documents?
24 MR. FABRICANT: Object to
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21

1 the form of the question.
2 You can answer the question
3 any way you want to.
4 MR. SUGARMAN: Yes,
5 absolutely, answer any way you
6 want.

7 THE WITNESS: I used the
8 presentation really as the primary
9 focus and communication about the
10 Portable People Meter; so, my
11 comments were primarily reads or
12 highlights of screens.
13 ...

14 CONTINUATION

15 BY MR. SUGARMAN:

16 Q. Did you use complete sentences?

17 A. I would say I used complete
18 sentences the majority of the time.

19 Q. Do you know whether anybody from
20 WGTW, the plaintiff, Brunson, was present?

21 A. Yes; I know there was a
22 representative.

23 Q. How do you know that?

24 A. I was told that subsequently.

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22

1 Q. By whom?

2 A. By a representative from our
3 company.

4 Q. You did not know it at the time?

5 A. No, sir.

6 Q. Did you make a tape or other
7 verbatim record of what you said?

8 A. I had some summary comments of my
9 recollection from that meeting.

10 Q. How were they recorded?

11 A. How were they recorded?

12 Q. Yes.

13 Did you write them down or
14 did you dictate them in a tape?

15 A. I just wrote them down.

16 Q. When did you write them down?

17 A. I wrote them down the day after.

18 Q. Why did you write them down the day
19 after?

20 A. Just as a summary of my
21 communication because I make presentations
22 throughout --

23 Q. Was that after you were told by
24 another representative of your company that a

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23

1 GTW person had been present?

2 A. Oh, no.

3 Q. Didn't you learn that a GTW
4 representative had been present at your
5 meeting the same day or the day after?

6 A. I learned not that day, the day
7 after or the day following that.

8 Q. Isn't that why you wrote notes?

9 A. Why?

10 Q. Because you were told that a GTW
11 person had been present and it was suggested
12 to you or you determined yourself that it
13 would be a good idea to write down a version
14 of what you said?

15 MR. FABRICANT: Object to
16 the form.

17 You can answer.

18 THE WITNESS: I wrote down
19 notes because, as I said, two
20 reasons.

21 One is in presentations to
22 clients, if I get questions, or how
23 the meeting goes, I write down some
24 notes periodically, but I did get

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24

1 notice that there was objection
2 from someone at GTW about my
3 presentation.

4 MR. SUGARMAN: What was the
5 objection that you were given?

6 MR. FABRICANT: Before you
7 answer that, I just want to direct
8 you that any communications you had
9 with counsel about that meeting,
10 including Arbitron's in-house
11 counsel, if that was the source of
12 any communication, then you should
13 not answer the question.

14 You should first identify
15 that this was the substance of
16 conversations between yourself and
17 counsel.

18 If, on the other hand, it
19 was conversations with non-lawyers
20 at Arbitron, then you are free to
21 answer the question.

22 THE WITNESS: The
23 conversation was specifically with
24 counsel.

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25

1 MR. FABRICANT: I will
2 direct you not to reveal the
3 substance of your communications
4 with counsel.

5 MR. SUGARMAN: I believe I
6 am entitled to the information as
7 to what information he received
8 concerning the complaint that was
9 made about his presentation.

10 MR. FABRICANT: I don't
11 believe you are entitled to the
12 substance of the communications
13 between counsel and Mr. Smith at
14 all.

15 You can ask him the names of
16 individuals he spoke to and the
17 substance is to be revealed. I am
18 not going to allow him to testify
19 to the substance of attorney/client
20 communications.

21 I don't know what
22 conversations he had with
23 non-counsel or with counsel, but if
24 he testifies his conversations were

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1 with counsel, he is not going to
2 testify as to the substance of the
3 communication.
4 ---

5 CONTINUATION

6 BY MR. SUGARMAN:

7 Q. Who did you have conversations with
8 where you were given information as to what
9 was said?

10 A. My conversation was with counsel,
11 Pat O'Donnell, who is Arbitron's counsel.

12 Q. Did you initiate the conversation
13 or did counsel initiate the conversation?

14 A. Counsel initiated the conversation.

15 Q. Do you have a copy of your notes of
16 what you wrote down after that conversation?

17 A. Do I have a copy with me?

18 Q. Yes.

19 A. No, sir.

20 Q. Do you have it anywhere?

21 A. Do I have it anywhere?

22 Q. Yes.

23 In other words, does it
24 still exist?

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1 A. The document exists, yes.

2 MR. SUGARMAN: I would
3 request that that document be
4 produced within the scope of the
5 Judge's Order.

6 MR. FABRICANT: I believe if
7 that document was prepared at the
8 request of counsel, then it would
9 be an attorney/client communication
10 and we would assert the
11 attorney/client privilege over that
12 document.
13 ---

14 CONTINUATION

15 BY MR. SUGARMAN:

16 Q. What did you state at the meeting
17 of May 20th regarding the survey or summary
18 of results to date?

19 MR. FABRICANT: Object to
20 the form.

21 You can answer.

22 MR. SUGARMAN: Specifically.

23 THE WITNESS: What I stated
24 was, first of all, an overview of

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1 the PPM system and the fact that we
2 were going to be releasing top line
3 data, as we call it, the next day;
4 so, I stated that Arbitron had come
5 into Philadelphia and we had begun
6 getting data from our panelists and
7 we were about to get our first
8 release out to the market place.
9 ---

10 CONTINUATION

11 BY MR. SUGARMAN:

12 Q. What did you say, if anything,
13 about the accuracy or representativeness of
14 the data?

15 Let's start with the
16 accuracy first.

17 A. Because it is a panel and because
18 of the fact that it was a sample of the
19 population, I didn't make any comments on
20 accuracy.

21 What I said was that we
22 build our sample and our panel to be
23 representative of the population, in this
24 particular case, the Philadelphia DMA, the

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29

31

1 designated market area.
 2 Q. Did you say that the data was
 3 representative of the viewership?
 4 A. What I said is that we build a
 5 panel which is representative of the
 6 population and the population demographics as
 7 far as viewership.
 8 Q. Did you say anything about the
 9 representativeness or the quality of the
 10 data?
 11 A. My only comment was that the panel
 12 was built to be representative of the
 13 population. As far as comments on the data,
 14 there was no data available; so, no comments
 15 on the particular data.
 16 Q. Did you say anything in form or
 17 substance to suggest that the data was good
 18 quality data that would be issued in regard
 19 to that survey?
 20 A. No; my comment was not related to
 21 the quality of the data because this was a
 22 test and still is.
 23 My comment wasn't about the
 24 quality. My comment was that Arbitron was
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30

1 coming into the market place and the
 2 information we were about to release was our
 3 first release and we would continue to
 4 release information and review it and analyze
 5 it until we determined to stop the
 6 Philadelphia point.
 7 Q. Did you state that the data was
 8 reliable and accurate and with integrity?
 9 A. I did not state that the data was
 10 accurate. I said that the system, the PPM
 11 system, was proven to be reliable and I said
 12 that Arbitron is a company that has integrity
 13 behind it, 50 years of history in media
 14 research, but my comments were not related to
 15 data.
 16 Q. Did you have any communications
 17 with Arbitron prior to your May 20th
 18 presentation?
 19 MR. FABRICANT: Object to
 20 the form of the question.
 21 I don't know what
 22 conversations or communications
 23 with Arbitron.
 24 MR. SUGARMAN: Did I say
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Arbitron?

1
 2 MR. FABRICANT: Yes.
 3 MR. SUGARMAN: I am sorry.
 4 I meant Channel 48, Brunson.
 5 Did you have any
 6 communications with Brunson prior
 7 to your May 20 presentation?
 8 THE WITNESS: Yes, sir.
 9 ---
 10 CONTINUATION
 11 BY MR. SUGARMAN:
 12 Q. With whom at Brunson did you
 13 communicate?
 14 A. I spoke with John Duffin at
 15 Brunson, WGTW.
 16 Q. How did that conversation come
 17 about?
 18 A. John Duffin contacted Arbitron
 19 regarding the PPM service and wanting to
 20 participate in the test that Arbitron was
 21 conducting.
 22 Q. When did he contact Arbitron?
 23 A. The 17th of April.
 24 Q. What response did you make to them?
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1 A. My response was that I appreciated
 2 his call and that I would get back to him as
 3 far as how quickly we could get them involved
 4 with our test.
 5 Q. Did you explain to him why Channel
 6 48 was not already included?
 7 A. I did communicate that with him.
 8 Q. What was the reason?
 9 A. The reasons were that this was a
 10 test and it was designed to provide Arbitron
 11 information both on television and radio
 12 station listening and it was a test also that
 13 would evolve and we would add stations over
 14 time and, as I said to him, we would be
 15 responsive to him once I was able to find out
 16 how quickly we could get our encoder at the
 17 station.
 18 Q. Did you tell him why GTW had not
 19 been included theretofore?
 20 A. I told him that as far as including
 21 them, that it was a decision on the part of
 22 Arbitron based upon our equipment, the
 23 encoders we have and at a point in time when
 24 we could physically get to the station, we
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1 Q. That particular presentation,
2 right.

3 A. The answer to your question is, I
4 am looking for a particular screen as far as
5 the stations. No, not specific numbers of
6 stations.

7 I did comment that this
8 presentation was an overview of PPM, there
9 would be data being released and we would be
10 adding stations throughout the test; so, my
11 comment was that Arbitron's goal was to add
12 stations over time to be able to provide more
13 thorough information or more information on
14 stations that have actual viewership or
15 listenership in the marketplace.

16 Q. Where is that statement, that you
17 are going to be adding stations over time,
18 which page is that on?

19 A. I am saying that I made a comment.

20 Q. How do you know you made that
21 comment?

22 A. I recall.

23 Q. Is that reflected in your notes?

24 MR. FABRICANT: I object to
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1 the question. I reassert the
2 attorney/client privilege over his
3 written communications to his
4 counsel.
5 ---

6 CONTINUATION

7 BY MR. SUGARMAN:

8 Q. You said before you prepared the
9 notes so that you would have notes of what
10 transpired.

11 A. Actually, if I might interrupt,
12 what I said was that when I make
13 presentations, I periodically will put notes
14 down to help me hopefully improve my
15 presentations, just to give you an example.

16 Q. For what purpose were these notes
17 made?

18 A. The notes for?

19 Q. This May 20th presentation that
20 were made after the presentation?

21 A. The notes were made, again, for the
22 purpose of, one, helping me improve my
23 presentation, and, secondly, just based upon
24 the communication I had from our counsel.

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1 Q. When you say, "based upon," what do
2 you mean by that?

3 A. I had communications, as I
4 mentioned, from our counsel.

5 Q. Right.

6 A. I just wrote down some notes, just
7 my recall of the meeting.

8 Q. Where are they now, the notes?

9 A. Where are they?

10 Q. Yes.

11 A. The notes would be in a hard copy
12 file. I would have to locate them.

13 Q. In your office?

14 A. In my office?

15 Q. Yes.

16 A. They would be in my office.

17 MR. SUGARMAN: I would
18 request they be produced.

19 MR. FABRICANT: Again, they
20 are notes prepared at the request
21 of counsel and he has communicated
22 it to counsel and they are no
23 different than an oral
24 communication and I assert the

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1 attorney/client privilege.

2 MR. SUGARMAN: In your
3 presentation of May 20th, you state
4 on the cover, page 634, the words,
5 "Summary of results to date."

6 Was that something that you
7 did in that presentation; did you
8 summarize the results to date?

9 THE WITNESS: Yes.
10 ---

11 CONTINUATION

12 BY MR. SUGARMAN:

13 Q. They had not been released yet?

14 A. The first release of Philadelphia
15 data had not been released.

16 Q. So, when you summarized the results
17 to date, what did you do; did you give out
18 numbers; did you speak in qualitative terms;

19 how did you summarize the results to date?

20 A. I summarized the results in
21 different pieces.

22 One is I talked about where
23 we stood in terms of building our panel in
24 Philadelphia. I talked about the results

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1 that the data that would be released was not
2 to be used for packaging for presentations.

3 My comments here were
4 opportunities in the future with PPM if the
5 service ultimately became the accepted
6 measurement system for the Philadelphia
7 market, for other markets.

8 Q. How do you remember that you said
9 that, that they should not use this data?

10 A. Because in my presentations to TV
11 stations or to cable clients, we made it
12 adamantly clear, in fact, we made the
13 stations, the cable systems, sign contracts
14 that the data would not be used for
15 presentation of ratings information because
16 this was a test; it still is.

17 Arbitron was looking to
18 understand the information to see how our
19 technology was working. So, we made it very
20 clear and it was made very clear to me from
21 management, senior management, that this
22 information would not be used by the media.

23 Q. When you refer to senior
24 management, who are you talking about?

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1 A. My manager.

2 Q. Who is your manager?

3 A. Marshall Snyder.

4 Q. What is his title?

5 A. He is president of Portable People
6 Meter.

7 Q. How do you know that stations are
8 not using the information for client
9 packaging?

10 MR. FABRICANT: Object to
11 the form of the question.

12 You can ask him if he knows
13 one way or the other.

14 He has told you what
15 instructions were given.

16 MR. SUGARMAN: That is what
17 I really asked him, but I will
18 rephrase it.

19 MR. FABRICANT: Does he know
20 if everybody in the whole world is
21 doing it?

22 MR. SUGARMAN: Do you know
23 whether or not stations are using
24 it for client packaging?

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1 MR. FABRICANT: In breach of
2 their contracts, do you know? Do
3 you have a basis to know one way or
4 the other?

5 THE WITNESS: No; I don't
6 know.

7 I can only tell you what I
8 communicate to the stations and the
9 fact that they have contracts that
10 they have signed with us.

11 - - -

12 CONTINUATION

13 BY MR. SUGARMAN:

14 Q. Have you taken any steps to verify
15 your recollection of your May 20th
16 presentation with anybody else who was
17 present?

18 A. No, sir.

19 Q. Do you know if anybody else has, if
20 anybody has obtained any other recollections
21 or versions of what transpired?

22 A. No, sir.

23 Q. Do you know if anybody has made any
24 tape or other verbatim or record of what was

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1 said?

2 A. No, sir.

3 Q. Do you know if anybody has made any
4 other summary of what was said?

5 A. No, sir.

6 Q. Turning to page 664, the Long Term
7 Strategic & Deployment Plans, the first
8 bullet is "Contingent with Nielsen JV. Solo
9 means slower deployment."

10 What does "Contingent with
11 Nielsen JV" mean?

12 A. What that means is that Nielsen has
13 an option to work with Arbitron on a joint
14 venture that we would deploy the PPM service
15 into markets throughout the US, and
16 contingent upon their decision and when,
17 would determine the deployment time lines.

18 Q. Is it true that Nielsen is already
19 participating on a research basis, that this
20 is a joint research project?

21 A. That is correct.

22 Q. What is the nature of Nielsen's
23 participation at the present time?

24 A. Nielsen's participation is a
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1 financial investment and providing
2 information from the Philadelphia market on
3 their ratings data since they are the
4 provider of ratings data to the television
5 stations.

6 Q. I am looking at a document that has
7 been Bates marked by Arbitron as 83 through
8 116.

9 116 says, "Complete Joint
10 Nielsen/Arbitron Research studies - what
11 accounts for the differences."

12 Can you explain what that
13 is?

14 MR. FABRICANT: I am going
15 to ask you if you are reading from
16 a document, to show him the
17 document instead of taking a
18 sentence out of context and to see
19 if he can identify the document,
20 has he ever seen it before, what is
21 the basis for it, any knowledge.

22 MR. SUGARMAN: You can
23 answer Mr. Fabricant's questions
24 first and then answer mine, if you

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1 can.

2 THE WITNESS: I have
3 knowledge of the presentation.
4 To answer your question,
5 complete joint Nielsen/Arbitron
6 research studies, the statement,
7 what that means is that Arbitron,
8 as part of our working with
9 Nielsen, is going and is analyzing
10 this data and we look at everything
11 from the size of the sample to as
12 noted here, the viewing, the
13 exposure versus viewing, because,
14 again, this was a test. This is a
15 technology that Arbitron developed.
16 We continue to work with Nielsen
17 just from a standpoint of analyzing
18 the information and looking at some
19 of these variables.

20 ---

21 CONTINUATION

22 BY MR. SUGARMAN:

23 Q. Is WHYY included in the sweep data
24 at this point, WHYY, Channel 12?

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1 A. Channel 12 is included in the data.

2 Q. I am looking at a presentation to
3 WHYY dated July 15th, Arbitron bates number
4 281 through 306.

5 Did you make that
6 presentation to WHYY?

7 A. No, sir, I did not.

8 Q. Do you know who did?

9 A. Yes, I do.

10 Q. Who did?

11 A. The presentation was made by Rich
12 Tunkel.

13 Q. How is Rich Tunkel related to you?

14 A. Rich Tunkel works for me.

15 MR. SUGARMAN: I am showing
16 you bates number 306, which I will
17 ask be marked as Plaintiff's
18 Exhibit 2, which is a part of that
19 presentation.

20 Item No. 3 says,
21 "Communicate your questions to
22 Arbitron & Nielsen."

23 What does that refer to?

24 THE WITNESS: What that
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1 refers to is that the questions
2 that come up related to Nielsen
3 rating information, Arbitron can't
4 answer those questions. So, we
5 urged the stations to communicate
6 specifically if they had questions
7 related to Nielsen information to
8 speak specifically to Nielsen if
9 they had questions about our
10 service, comments, recommendations
11 for us to consider, because, again,
12 this was a test. It was being
13 worked on; it has been worked on
14 for several years. We have always
15 asked for the feedback of the
16 stations and that's what we
17 encourage them.

18 MR. SUGARMAN: Those
19 documents refer to form the joint
20 venture, I think, 4th quarter of
21 '02 or the earliest, 4th quarter of
22 '02.

23 That was in that other one
24 there.

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1 Q. I see, but you are referring
2 specifically to that you have added outlets
3 based on marketplace feedback; so, I would
4 like to know what exact precise marketplace
5 feedback you got that caused you to add
6 outlets at the time you wrote this letter?

7 A. As I said, the feedback, the
8 specific feedback, in this particular letter,
9 would be, as I said, related to GTW and
10 specific a cable network that we looked at
11 adding in the marketplace.

12 Q. What cable network was that?

13 A. You will see that the stations that
14 we are encoding, like, for instance, USA
15 Networks, Fox News Channel, as noted in
16 there, they are not included, but the
17 feedback that we got is that as we continued
18 to work in the marketplace, talked to media
19 folks, to become aware of the stations that
20 are being considered by ad agencies or by
21 cable companies in the marketplace. That's
22 all.

23 Q. Do you remember any specific
24 marketplace feedbacks that you got that you

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1 were referring to there?

2 A. Not specific feedback.

3 It is just ongoing work that
4 we would do as part of working in the
5 marketplace, just talking about PPM and
6 talking with stations and cable networks.
7 That is all.

8 Q. Did you consider in P-1 whether to
9 include a bullet stating that the system was
10 only partially covering at this stage?

11 MR. FABRICANT: Object to
12 the form.

13 You can answer.

14 MR. SUGARMAN: That's the
15 May 20th presentation.

16 Did you consider whether to
17 include such a statement?

18 THE WITNESS: I did not
19 consider including it in this
20 presentation, if that is your
21 particular question.

22 MR. SUGARMAN: That is my
23 particular question. Right.

24 MR. SUGARMAN: I have some
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1 questions about the encoding of
2 Channel 48.

3 I think they are outside the
4 scope of the Judge's Order. I
5 don't want to be perceived as
6 giving up my chance to pursue those
7 in discovery in the future.

8 MR. FABRICANT: There may be
9 discovery. Clearly, it is a
10 limited discovery Order.

11 So, it is clearly
12 contemplated that there would be
13 other discovery if you are allowed
14 to take it; so.

15 MR. SUGARMAN: If I am
16 allowed to take it. Exactly.

17 That's all I have then.

18 MR. FABRICANT: I just have
19 a few questions to clarify some
20 things, Mr. Smith.

21 THE WITNESS: Okay.

22 ---
23 EXAMINATION
24 ---

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1 BY MR. FABRICANT:

2 Q. You were asked by Mr. Sugarman
3 whether you know whether any of the stations
4 that have signed those agreements not to use
5 the data for commercial purposes, have, in
6 fact, used the data for commercial purposes.

7 Do you remember that?

8 A. Yes, I do, sir.

9 Q. You testified you don't know within
10 your knowledge base what people have done in
11 violation of their agreement; is that
12 correct?

13 A. That is correct, sir.

14 Q. I have a more specific question.

15 Has anyone ever reported to you,
16 affirmatively, that stations are, in fact,
17 out there using the data commercially?

18 A. No.

19 Q. Has anyone ever complained to you
20 that commercial use of the data was
21 happening, even though it is in breach of
22 your contract?

23 A. No, sir.

24 Q. As you understand the nature of
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1 this program, if you received such a
2 complaint, would Arbitron take action?
3 A. Yes; it would be in breach of the
4 agreements that the stations have signed.
5 Q. You were asked some questions by
6 Mr. Sugarman about Nielsen's role in this
7 project.
8 To your knowledge, did
9 Nielsen have any role in the actual
10 technological development of the PPM?
11 A. No.
12 Q. Did Nielsen play any role in
13 selecting whose stations should be encoded?
14 A. No, sir.
15 Q. Did Nielsen play any role in
16 actually physically helping to get those
17 stations encoded?
18 A. No, sir, not at all.
19 Q. Did Nielsen and does Nielsen play
20 any roles in the decoding of the data?
21 A. No, sir.
22 Q. Does Nielsen play any role in the
23 compilation of the data?
24 A. No, sir.

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1 Q. Does Nielsen play any role in the
2 processing of the PPM data?
3 A. No, sir.
4 Q. Does Nielsen play any role in
5 making presentations to the marketplace about
6 the attributes or deficiencies of the PPM
7 system?
8 A. No, sir.
9 Q. Does Nielsen do, to your knowledge,
10 any marketing whatsoever of the PPM program?
11 A. No.
12 Q. Does Nielsen do anything other than
13 what you have testified to earlier, which is
14 they provide their own Nielsen data as a base
15 of comparison for the PPM testing?
16 MR. SUGARMAN: I am going to
17 object because that question does
18 not accurately characterize --
19 MR. FABRICANT: Let me
20 withdraw it and let me be more
21 precise and take it in steps.
22 With respect to research, I
23 believe Mr. Sugarman asked you
24 about whatever Nielsen's research

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1 activities were.
2 On the research side, does
3 Nielsen, to your knowledge, do
4 anything other than provide their
5 own Nielsen data as a basis for
6 comparison.
7 THE WITNESS: That's what
8 Nielsen provides. To my knowledge,
9 that's what we use.
10 ---
11 CONTINUATION
12 BY MR. FABRICANT:
13 Q. Other than the financial
14 contribution, is there anything else that
15 Nielsen does that you are aware of in
16 connection with PPM?
17 A. No.
18 Q. In connection with the meetings
19 that you have testified you had on an ongoing
20 basis with television stations, station
21 managers, I believe you testified to, has any
22 person associated with a television station
23 or broadcaster who has been encoded ever have
24 any conversations with you about the subject
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1 of whether WGTW should or should not be
2 encoded?
3 A. No.
4 Q. Has anyone from any television
5 broadcast station involving the Philadelphia
6 test ever suggested to you in any way, shape
7 or form that Channel 48, WGTW, should not be
8 encoded?
9 A. No.
10 Q. Has anyone ever asked you not to
11 put an encoder on?
12 A. No.
13 Q. Has anyone ever asked you to take
14 the encoder out of that station?
15 A. No.
16 Q. Has anyone from any television or
17 any broadcast station ever asked you not to
18 record data from WGTW?
19 A. No.
20 Q. Has any of your staff, including
21 Mr. Turkel, who you have also testified was
22 involved with these stations, reported to you
23 that such requests have been made by any
24 broadcaster in connection with the
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1 Philadelphia test?
2 A. No.
3 Q. In connection with your association
4 with the Arbitron Company, does Arbitron, to
5 your knowledge, ever affirmatively represent
6 to the marketplace, whether it is radio or
7 television, that their data is accurate?
8 A. No.
9 MR. FABRICANT: I have
10 nothing further.
11 MR. SUGARMAN: You have
12 given me a few things to get into.
13 ---
14 CONTINUATION
15 BY MR. SUGARMAN:
16 Q. You had testified that commercial
17 use of the product is limited or prohibited.
18 You agree that you are
19 encouraging people to use the product in
20 other ways other than what you call
21 commercial use?
22 MR. FABRICANT: I would just
23 object to the form of the question.
24 I also would object it is outside
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1 of the scope of my questions to
2 Mr. Smith.
3 MR. SUGARMAN: It is well
4 within the scope; it is well within
5 the scope.
6 MR. FABRICANT: I object in
7 any event to the form of the
8 question. I don't think it is
9 clear.
10 Go ahead.
11 MR. SUGARMAN: Could you
12 answer the question, then. Isn't
13 Arbitron encouraging people to use
14 the data in ways that does not
15 characterize as commercial?
16 MR. FABRICANT: Object to
17 the form.
18 You can answer, if you
19 understand.
20 THE WITNESS: I am not sure
21 what you mean by commercial.
22 MR. SUGARMAN: Well, you
23 answered Mr. Fabricant's question
24 that you are not using it or you
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1 are instructing people not to use
2 it for commercial purposes.
3 MR. FABRICANT: I did not
4 ask that question.
5 MR. SUGARMAN: Yes.
6 You said are you aware of
7 any anybody that is using this data
8 commercially.
9 MR. FABRICANT: I never
10 asked that question.
11 I asked him whether anybody
12 ever complained to him.
13 You asked the question
14 whether he was aware of anybody's
15 breaking their promise not to use
16 it commercially.
17 I asked him whether anybody
18 ever complained to him that that
19 was happening, notwithstanding the
20 contract.
21 That was what I asked him.
22 MR. SUGARMAN: That's not my
23 notes, but I will accept your
24 statement.
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1 My question is, has anybody
2 ever reported to you that anybody
3 is using the data for any purpose?
4 THE WITNESS: For any
5 purpose, no.
6 ---
7 CONTINUATION
8 BY MR. SUGARMAN:
9 Q. Has anybody ever told you they are
10 using the data?
11 A. Using the data?
12 Q. Yes, the sweeps, the sweep data.
13 A. No; they are looking at the data.
14 Q. Looking at it.
15 Didn't Arbitron tell people
16 that they could discuss it with clients?
17 A. No, sir.
18 Q. I am looking for my documentation;
19 I seem to have a very clear recollection of
20 reading that somewhere.
21 You are not aware of
22 Arbitron's telling recipients that they are
23 encouraged to use the data with clients, but
24 not as part of a presentation?
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